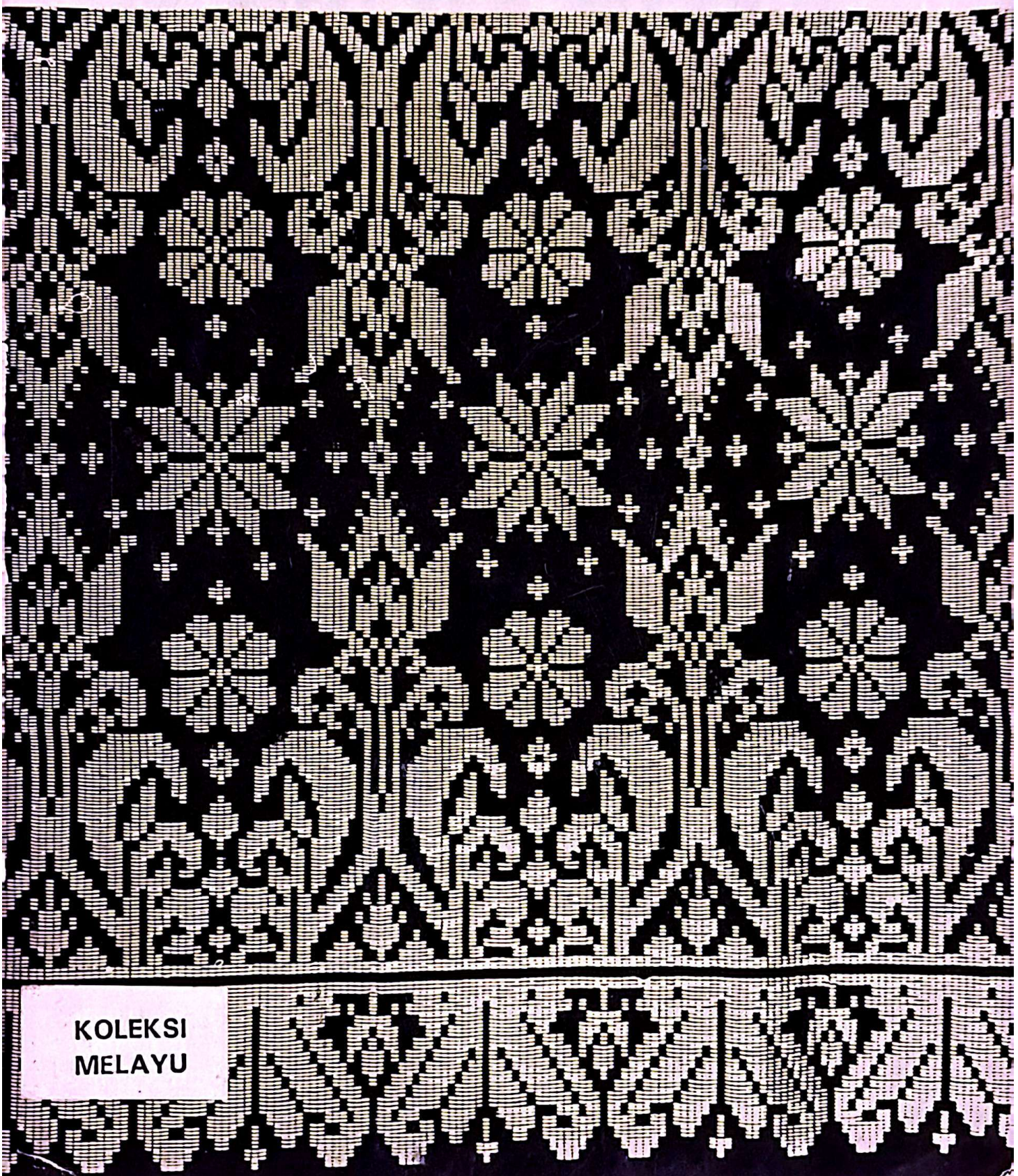
LIAW YOCK FANG

UNDANG-UNDANG MELAKA



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UNDANG-UNDANG MELAKA

THE LAWS OF MELAKA

by

LIAW YOCK FANG

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The Bibliotheca Indonesica is a series published by the Koninklijk Instituut voor Taal-, Land- en Volkenkunde (Royal Institute of Linguistics and Anthropology), Leiden. The series contains critical editions of texts in various Indonesian languages, together with a translation and commentary in English.

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PREFACE

It was in 1968 that the idea of writing this thesis arose. Professor Dr. A. Teeuw was stopping over in Singapore on his way to Jakarta and I enquired about the possibility of doing my Ph.D. at Leiden University. Professor Teeuw was very helpful and suggested that I might prepare a critical edition of *Undang-undang Melaka* as my Ph.D. dissertation. He informed me also of the material he obtained from the late H. W. Emanuels who passed away shortly after having begun to prepare a critical edition of the text. I agreed to the suggestion immediately.

The material which I received from Professor Teeuw was very useful. Meanwhile, I also wrote to order the manuscripts of the *Undang-undang Melaka* kept at the Royal Asiatic Society, London. Further, I acquired the *Undang-undang* manuscripts kept in the Museum Pusat, Jakarta.

However, the actual writing of the thesis only started in March 1971 when I arrived in Leiden. I could not do much while still in Singapore. First, I was unable to go through all the manuscripts, which is a prerequisite for a critical edition. Secondly, I had just started writing a comprehensive history of Classical Malay Literature, a research project of the Institute of Southeast Asian Studies (now Institute of Asian Studies), Nanyang University, Singapore. I completed the project just in time to leave for Leiden.

Anyone who has written a Leiden University dissertation knows how deeply a *promovendus* is indebted to his promotor who guides him through his apprenticeship and supports him when he falters. I am no exception. But rules of the University prohibit me to thank all those who assisted me in writing this thesis. However, a word of thanks must be expressed to the Koninklijk Instituut voor Taal-, Land- en Volkenkunde, Leiden, whose hospitality I enjoyed during my stay in Leiden. To the Editorial Committee of the Institute and its Board who have accepted this thesis for publication in the Bibliotheca Indonesica and made possible financially the publication of this thesis, I wish to express my heartfelt gratitude. At this auspicious moment, I wish also to thank the Netherlands Ministerie van Onderwijs en Wetenschappen which

provided me with a scholarship to enable me to study at Leiden University and gave partial financial assistance for the publication of this thesis.

Further, I wish to thank Professor L. Huang, formerly Vice-Chancellor of Nanyang University, Singapore (now of Hong Kong University, Hong Kong) who was instrumental in my getting a scholarship to Leiden and a British Council grant to London. Thanks are also due to him for granting me one and half years' study leave. I wish also to thank the British Council for giving me a grant and for arranging my visits to London and Oxford. To the Librarian of the Royal Asiatic Society, London and the Southeast Asian Librarian of the School of Oriental and African Studies who allowed me to use their manuscript collections and made available microfilms of manuscripts I needed, I must also say "thank you".

Finally, I am grateful to Dra. A. Ikram who arranged for me to acquire the microfilms of *Undang-undang Melaka* manuscripts kept in the Museum Pusat Jakarta, Indonesia; to Dr. P. Voorhoeve for allowing me to make use of his survey of *Undang-undang* manuscripts in various libraries in Great Britain; to the Lee Foundation, Singapore, for making a contribution towards the cost of printing this thesis; and last but not least, to all my friends who have helped in one way or another in the writing of this thesis.

LIAW YOCK FANG

Singapore, November 1975

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LIST OF ABBREVIATIONS

Ar.	Arabic
Bat. Gen.	Bataviaasch Genootschap van Kunsten en Wetenschappen
BKI	Bijdragen tot de Taal-, Land- en Volkenkunde van het Koninklijk Instituut voor Taal-, Land- en Volkenkunde
Cod. Or.	Codex Orientalis
E.I.	Encyclopaedia of Islam
E.I.^{2}	Encyclopaedia of Islam, new edition
et al.	*et alibi,* and elsewhere
JIAEA	Journal of the Indian Archipelago and East Asia
JMBRAS	Journal of the Malay(si)an Branch of the Royal Asiatic Society
JRAS	Journal of the Royal Asiatic Society
JSBRAS	Journal of the Straits Branch of the Royal Asiatic Society
KL.	Klinkert
L.U.B.	Leidse Universiteits-Bibliotheek
MED	Malay-English Dictionary, A, by R. J. Wilkinson
MS(S)	Manuscript(s)
P(p)	Page(s)
Pt	Part
Skt	Sanskrit
SM	Sejarah Melayu
SOAS	School of Oriental and African Studies, University of London
TBG	Tijdschrift voor Indische Taal-, Land- en Volkenkunde van het (Koninklijk) Bataviaasch Genootschap van Kunsten en Wetenschappen, Batavia (now Jakarta)
s.v.	*sub voce,* under the word
VBG	Verhandelingen van het (Koninklijk) Bataviaasch Genootschap van Kunsten en Wetenschappen, Batavia (now Jakarta)
VKI	Verhandelingen van het Koninklijk Instituut voor Taal-, Land- en Volkenkunde

PART ONE

CHAPTER I

INTRODUCTION

The importance of the text

The study of Malay legal digests is still in its infancy. We do not even have a reliable text of the three types of legal digests mentioned by R. O. Winstedt.[1] The first type, the *Undang-undang Minangkabau,* the Minangkabau digest, we only know from two very unsatisfactory texts from Perak and Sungai Ujung.[2] Of the second type, the *Undang-undang Melaka,* the Malacca digest, we know only the defective edition of Ph. S. van Ronkel [3] and a fragmentary text published by J. E. Kempe and R. O. Winstedt.[4] Of the third type, the Muslim law digest, A. Meursinge published parts of ᶜAbdu'r-Ra'ūf's momentous work, *Mir'at aṭ-ṭullāb* [5] as early as 1844, but this work is little known.

Among the three types, *Undang-undang Melaka* is the most important. Compiled originally in Malacca, this digest was adapted and adopted in Kedah, Pahang, Riau, Pontianak and was quoted in recent times as authoritative (in civil suits) at Brunei.[6] This is why other legal digests such as *Undang-undang Melayu, Undang-undang Negeri, Undang-undang Johor, Undang-undang Pahang, Undang-undang Kedah* show striking resemblances to *Undang-undang Melaka.* In two cases, the resemblance goes deeper. The *Undang-undang Johor* is no other than the *Undang-undang Melaka* and the *Undang-undang Kedah* is another version of the *Undang-undang Melaka.*

The importance of *Undang-undang Melaka* is also reflected in the large number of manuscripts that are available. There are more than forty manuscripts, if we take into account some of the fragmentary ones. Of course, not all the manuscripts are of the same value: some are just copies of others; some are regional or local versions far removed from the *Undang-undang Melaka.* In spite of its importance, a critical

study is still lacking and this has been the main reason why I took up *Undang-undang Melaka* as my Ph.D. thesis. Before going further, I would like to take a look at what kind of research has been done about the *Undang-undang Melaka.*

Previous studies and publications

As early as 1736 Werndly already mentioned in his grammar an *Undang-undang Melaka* digest under the title of *Hhukum Khanun.* The serious study of the *Undang-undang* or Malay legal digest, however, began with Sir Stamford Raffles, the founder of Singapore. With four Malays, a native from Coromandel and an Arab from Mekka helping him, Raffles started collecting Malay *Undang-undang* manuscripts when he was in Pinang (1805-10). He refuted the idea current at the time that the Malays did not possess any laws, on the contrary, he asserted that every Malay state possessed its own law and urged, in a letter to Lord Minto, that every Malay ruler be requested to "furnish" a copy of his own state's law.[7] Meanwhile, Raffles himself was actively engaged in the study of Malay manuscripts, the result of which was a paper which he read to the Royal Asiatic Society in Bengal and subsequently published in Asiatic Researches (Vol. 12, 1818) under the title "On the Malayu Nation, with a Translation of its Maritime Institutions".[8]

Raffles' study of the Malay *Undang-undang* and his translation of the "maritime institutions" was probably a source of inspiration for other scholars. Two years after its publication, John Crawfurd devoted 65 pages of his *History of the Indian Archipelago,* Vol. III to a discussion of Malay law. In order to illustrate Malay civil and criminal law, he translated many passages from *Undang-undang Melaka.* In a later work, *A Descriptive Dictionary of the Indian Islands and Adjacent Countries,* Crawfurd again quoted and translated sections of the *Undang-undang Melaka.*

The *Undang-undang Melaka* in fact consists of two parts, the land law, *Undang-undang darat,* frequently referred to merely as *Undang-undang Melaka,* and the maritime law, the *Undang-undang laut.* So far, the maritime law has attracted more scholarly attention than the land law, the *Undang-undang Melaka.* As has already been mentioned before, Raffles published a translation of it as early as 1818. A translation of the land law, the *Undang-undang Melaka,* did not appear till 1839. In that year, T. J. Newbold published his two volume work,

Political and Statistical Account of the British Settlements in the Straits of Malacca. In the second volume, on pages 231-313, there is a translation of the *Undang-undang Melaka.* Although a useful publication, it does have certain limitations. While most of the manuscripts contain 44 *fasal* (chapters) or less, Newbold used one manuscript having 81 chapters. Secondly, because all *undang-undang* texts are corrupt, a translation cannot be reliable without collating the various manuscripts.

In 1855 another translation of the *Undang-undang Melaka* appeared in *JIAEA* (1855). J. R. Logan, its editor, is said to have been the translator. It is entitled "A translation of the Malayan Laws of the Principality of Johore". This translation has unfortunately led scholars to compare the Johore laws and the laws of Malacca and to conclude that their contents are much the same,[9] while we are in fact dealing with one and the same law. What is translated is in reality an *Undang-undang Melaka* text. It is called Johore law, because the last section is the law from Johore.[10] The manuscript used is very probably Raf. Malay ms. 33 of the Royal Asiatic Society, London.

Regarding text editions, the maritime law again has received special attention. As early as 1845, J. M. Pardessus' voluminous work, *Collection de lois maritimes antérieures au XVIIIe siècle* included a text edited and translated into French by E. Dulaurier. In 1956, a new edition, based on 13 manuscripts, accompanied by an out-lined translation, was published by R. O. Winstedt and P. E. de Josselin de Jong.[11]

So far, the text of the land law, the *Undang-undang Melaka* has only been published once. It was edited by Ph. S. van Ronkel and published under the title *Risalat Hoekoem Kanoen jaitoe Oendang-Oendang Melaka,* Leiden 1919. In this edition, Van Ronkel claims to have collated ten manuscripts, using Cod. Or. 1705 (1) as a basic text. This edition of Van Ronkel constituted a turning point in the study of *Undang-undang Melaka.* For the first time, the Malay text was widely available to scholars. Students who read the Arabic script no longer had to rely on Newbold's translation for information about Malay law in particular and Malay society in general.

Van Ronkel's edition, however, was far from satisfactory. The basic manuscript, i.e. Cod. Or. 1705 (1), does not have a good text. It abounds with scribal errors, many of which were silently emended by Van Ronkel, but some errors still remain. E.g. on page 17, line 12, there is a phrase, *maka tiadalah hakim. Tiadalah* makes no sense here. The correct reading is *ditanja,* as is found in other manuscripts used by Van Ronkel himself. On page 19, line 5, *muwafakat* is retained instead of a better

reading *mengupah*. On page 33, line 3, *mu'tamadnya* is retained instead of *menambatnya*, which is the correct reading.

Besides scribal errors, there are also many obscure passages in Van Ronkel's basic manuscript which were caused by unnecessary additions or careless omissions. Such errors are too many to be quoted. The following examples will suffice:

(a) pada hukum Allah orang jang mencuri *kerbau dan lembu itu. Adapun jikalau kena* kerbau dan kambing itu didalam kandangnya, sekadar (memberi) harganya itu juga. (Van Ronkel, p. 14^{8-10}).

The words in italics are superfluous and are indeed lacking in Cod. Or. 6078, alleged to have been used. (Memberi) which is required by the context is lacking.

(b) Adapun jikalau menuduh orang mengambil isteri orang, maka menang yang dituduh itu, *dibunuh yang menuduh itu,* karena hukum mengambil isteri orang mati hukumnya. *Jikalau* tiada dibunuh, didenda sepuluh tahil sepaha. (Van Ronkel, p. 18^{7-9}).

The words in italics are lacking in Cod. Or. 1705 but found in Cod. Or. 6078. Van Ronkel, however, did not make any note about it.

(c) Adapun yang dapat menolak akan oleh ibu bapanya cengkaram orang itu atas tiga perkara, suatu tiada ganda, kedua dapat dikembalikan cengkaram itu .... ketiga jikalau ada penyakit itu kepada sekalian perempuan, itu ..... (Van Ronkel, p. 28^{5-7}, 29^{3}).

This passage stipulated the circumstances under which the earnest-money received could be returned by the girl's parents. But what does the text say? First, *tiada ganda,* i.e. without doubling (the initial amount); second, *dapat dikembalikan,* i.e. can be returned; and third, *ada penyakit itu pada sekalian perempuan,* i.e. if the woman has contracted a disease. These words actually do not express the conditions required. They merely state that under 'three' circumstances, the earnest-money received can be returned without doubling the amount received.[12] These examples show how corrupt a manuscript can be and how important it is to secure the "best" text available. Without the assistance of a good text, it is almost always impossible to restore a corrupt reading.

Many of these and similar errors would have been eliminated or reduced, had Van Ronkel been a little more conscientious. Among the

manuscripts used is Cod. Or. 6078 which represents a better tradition of the *Undang-undang Melaka* text, even though the manuscript itself is mutilated and slovenly copied. There are many places where Cod. Or. 6078 has preserved a better reading, while others are corrupt. On page 8^{13} of Van Ronkel's edition, the (required) qualities of a minister are said to be six in number, but only five are stated. The sixth quality, though stated in Cod. Or. 6078, is not mentioned. Again on pages 20^{7}-21^{5}, a few misplaced passages have been added. These passages are lacking in Cod. Or. 6078 and Cod. Or. 1725 but this fact went unnoticed by Van Ronkel.

Besides, it is quite obvious that Van Ronkel did not collate all the manuscripts mentioned in his introduction. KL. 20, KL. 67 C, Cod. Or. 1725 and Cod. Or. 6078 represent four different branches of the manuscript tradition. If these manuscripts had been collated, significant variant readings alone would have filled several pages, not to mention scribal errors. Yet, strangely, very few of these variants entered into Van Ronkel's notes. Van Ronkel may have consulted these manuscripts occasionally only, as he himself admitted with regard to Cod. Or. 1725.

The four manuscripts which Van Ronkel collated to a certain extent are Cod. Or. 1705 (1), Cod. Or. 1706 (1), Cod. Or. 3199 and Cod. Or. 5836. These manuscripts, as I will show later, all belong to the same group. This in itself is a disadvantage. Being of the same group, they very often share the same mistake or corruption, while a manuscript from another group may present a better reading. Van Ronkel also had at his disposal a manuscript from another group, namely Cod. Or. 6078. This manuscript, however, he consulted only occasionally.

John E. Kempe and R. O. Winstedt also contributed to the study of *Undang-undang Melaka.* In 1948, they published a law digest from Pahang entitled "A Malay Legal Digest compiled for ᶜAbd al-Ghafur Muhaiyu'd-din Shah, Sultan of Pahang 1592-1614 A.D.", in *JMBRAS, Vol. XXI pt. 1.* Sections 24-65 contain a Muslim law text very similar to that contained in Cod. Or. 1722 (1) and Von de Wall 50 (1). These sections of the text, very probably, were taken from an independent text, as they still retain the beginning and concluding phrases of an independent text. Both Cod. Or. 1722 (1) and Von de Wall 50 (1) begin with *Bismi'llāhi 'r-raḥmāni'r-raḥīm* and end with *tamat, bi ᶜauni 'l-maliki 'l-wahhāb,* which indicate respectively the beginning and end of Malay manuscripts. These sections of the text are interesting for our purpose, for, besides other materials, they also contain the Muslim law sections of the *Undang-undang Melaka,* fasal 29-42. Generally

speaking, the text contained in the Pahang digest is better, but there are also places where the text in the Pahang digest is very corrupt. Kempe's and Winstedt's reading and interpretation of the text are not always correct. For example, on page 11, they translated the following passage:

(28) Peri menyatakan hukum sah sileh kemudian daripada ikral. Didalam segala harta tiada sah sileh didalam munkir dan pada yang tiada berharta

as A promise of compensation is not valid if a person disavowed it or has no property.

The rendering is misleading and too free. First, the concept of 'valid compensation' (*sah sileh*) does not exist in Islamic law. What is meant is a valid amicable settlement (*ṣaḥḥ ṣulḥ*). Secondly, the first sentence is left untranslated. A better reading and rendering should run more or less like this:

(32. 2) Ṣaḥḥ ṣulḥ kemudian daripada ikrar di dalam segala harta, tiada ṣaḥḥ ṣulḥ di dalam mungkir dan pada orang yang tiada bertentu.

In a property (claim), an amicable settlement is lawful, after (the claim) has been acknowledged (by the defendant); amicable settlement is not lawful, when (the defendant) denies (the claim) or when the defendant is not certain (of his action).

Section 66 contains what I call the *Undang-undang negeri*[13] of the *Undang-undang Melaka.* Section 67 is omitted, because it is the fasal 25-27 of the *Undang-undang Melaka* published by Van Ronkel (pp. 42-47). Little did Kempe and Winstedt realize that not only section 67 but also section 66 and many sections of 24-65 are found in the *Undang-undang Melaka* but omitted by Van Ronkel in his publication. In another publication,[14] they gave the variant readings of Raf. Malay ms. 33 as compared with the *Undang-undang Melaka* published by Van Ronkel. A few chapters on Muslim family law are also published. This manuscript belongs to the better tradition of the *Undang-undang Melaka text,* but because of its fragmentary nature, — the first 7 chapters are lacking —, its usefulness is limited.

Scope of the present study

The aim of the present study is a modest one, namely to present a critical edition of *Undang-undang Melaka.* I have made an effort to

collect *all* the extant manuscripts, and to classify and examine them. The best text from the most representative group of manuscripts was then selected to prepare this critical edition. In the translation, I have tried to keep as close to the text as possible, while not neglecting the idioms of English usage. However, distortions are inevitably involved. Translation may give connotations which may or may not be justified. Take for example the word "trust" (*amanat*), it is used here in the text as something which is handed over to someone to be delivered to another person. It does not have any of the connotations it has as used in legal documents.[15] The same applies to terms like "plaintiff" (*muddaᶜī*), "defendant" (*muddaᶜā ᶜalaihi*), "sale" (*baiᶜ*), "acknowledgement" (*iḳrār*) and so forth. These and other terms which cannot be translated are then explained in the glossary and if necessary, in the commentary. Besides, there are a number of obscure passages which cannot be translated or passages of which I am not sure of their meanings, and these too are discussed in the annotations accompanying the translation.

In Chapter II, I have given a brief description of all the available manuscripts and their contents. In Chapter III, an analysis of the text is provided: here the structure of the text is dealt with at length; its date of compilation, contents, spelling and language are also touched upon. Chapter IV is a brief summary of the text. The last chapter delineates the principles of edition on which this edition is based. Part II contains the Malay text and the translation.

The *Undang-undang Laut* (the maritime law) or the maritime section of the *Undang*[2] *Melaka* has not been included in this edition. This is due partly to the fact that the text has already been published with "an outlined" translation by Winstedt and De Josselin de Jong.[11] The main reason for its exclusion is that, notwithstanding its hybrid character, the land-laws (*Undang*[2] *Melaka*) form a complete unity. The maritime law, though related to *Undang*[2] *Melaka,* should be considered a separate text, and requires a separate study. An additional reason is the limited time available for the writing of this thesis. In view of all these factors, I prefer to deal with the maritime law at a later stage.

Having made a critical study of the text, it is tempting to draw all sorts of conclusions about the contents, for example, the position of slaves in Malay society, the degree of Islamic influence and the administration of justice in Malay society. But I have touched upon such matters only as far as an understanding of the text required.

I limit myself to doing the philological spade-work and prefer to leave all the other matters to experts in the respective fields. In the study of Malay society, co-operation of scholars in various fields is vital and can yield unexpectedly good results. One such example is the publication of *Hikayat Patani* by A. Teeuw and D. K. Wyatt.[16] Therefore I content myself with providing the Malay text together with what I hope is a reliable translation. It is hoped that such a critical edition with translation will be of use to scholars in the various fields of Malay and Indonesian studies.

CHAPTER II

THE MANUSCRIPTS OF UNDANG-UNDANG MELAKA

Their contents

The number of *Undang-undang Melaka* manuscripts is great indeed. In fact, there are no less than forty-four manuscripts, not including two manuscripts of fragmentary nature and one manuscript in Jakarta, Von de Wall 55, which was not available for consultation. Of course, not all the manuscripts are of the same value, some are just copies of others, others may even be copies of copies. But the great number of manuscripts alone testifies to the importance of the text. Based on their contents, these manuscripts can be divided into seven groups:

(i) *Undang-undang Melaka* proper
(ii) *The Achehnese version*
(iii) *The Patani version*
(iv) *The "long" version*
(v) *The Muslim and Johore Laws version*
(vi) The "short" version which does not belong to the above-mentioned groups
(vii) The fragmentary ones.

I. *Undang-undang Melaka Proper*

The first group, totalling nineteen manuscripts, eleven from Leiden, six from the United Kingdom and one each from Germany and Paris, is the most important group and may be regarded as the *Undang-undang Melaka* proper. This text edition is based on the five "best" manuscripts chosen from this group, namely Cod. Or. 1705 (1), Cod. Or. 1706 (1), Cambridge no. 1364, Dublin no. 1638 and Br. M. no. 12397. The structure of this text and its contents will be discussed in Chapter III. Their interrelationship is discussed in the chapter on the principles of edition. These manuscripts are:

From Leiden:

Cod. Or. 1705 (1), Cod. Or. 1706 (1), Cod. Or. 3199 (1),
Cod. Or. 5836, Cod. Or. 5838, Cod. Or. 7077,
Cod. Or. 6078, KL. 24, KL. 45,
KL. 48 and KL. 50.

From the United Kingdom:

Cambridge 1364,
Dublin 1638,
London: Raf. 74, Maxwell 6, Maxwell 10, British Museum 12397.

From Germany:

Schoemann V, 33.

From Paris:

Bibliothèque Nationale no. 37.

II. *The Achehnese version*

There are four manuscripts which can be described as the Achehnese version of *Undang-undang Melaka*. These manuscripts are Von de Wall 59 (1), KL. 20, SOAS 40329 and SOAS 40505.

After the doxology in Arabic with interlinear translation in Malay there is a very brief introduction which reads:

"Fasal pada menyatakan kaidah raja-raja di dalam negeri. Tiap-tiap raja itu mengendarakan pekerjaan dan suruh-suruhan seperti kandil dan penghulu pada khalifah mata-mata dan bendahara pada majelis balai dan istana Raja Iskandar Dzulkarnain datang kepada Paduka Seri Sultan yang di atas takhta kerajaan yaitu teladan raja-raja pada hal memerintahkan segala ᶜadat tuannya atas segala menteri. Maka dihimpunkan hukum itu atas sembilan hukum."

The content is parallel to the text edition except that the beginning of *fasal* 8 is lacking, thus causing confusion in the numbering of *fasal* in all the manuscripts. In addition, it has a new *fasal* which is not found in the text edition. This chapter stresses that he who establishes a village outside must also open a road.

It has a colophon with rather puzzling insertions:

"*maka ditakdirkan Allah* pada hijrat nabi seribu *berlakulah iradatnya atas hambanya* dua ratus dua tahun, *maka jatuh ia dari atas kayu itu* pada tahun jim pada tiga hari timbul bulan Jumadu'l-awwal pada

waktu zuhur pada masa ganti itu, pada zaman Sayyidina Ali Paduka Seri Sultan Jamal *yang meminjam setengah* al-ᶜalam Badr al-Munir yang duduk diatas takhta kerajaan dalam negeri Dar al-salam. Demikianlah hukumnya masyhur keatas angin. Tammat al-kalam dalam negeri Aceh."

If we ignore the italicized words, the colophon means that the laws were established on the third of Jumad al-awwal 1202 H (Sunday, 10 February, 1788) during the reign of Sultan Jamal al-ᶜalam Badr al-Munir. This date, however, does not tally with historical fact. According to history, this Achehnese sultan ruled from 1703 to 1726. So it is very likely that 1202 H was the date of copying. Later the text was brought to Kedah and was copied there again. It is for this very reason that I name the manuscripts of this group the Achehnese version of the *Undang-undang Melaka.*

The text of this group of manuscripts is on the whole rather corrupt but it has good readings here and there. This text has occasionally been consulted for checking purposes.

III. *The Patani version*

There are six manuscripts which belong to this group: Cod. Or. 3199 (3), SOAS 40506, Maxwell 5, Maxwell 19, Paris no. 38 and Cod. Or. 2160.

The word Patani appears several times and for the sake of convenience, I call this group of the manuscripts the Patani version. This group of manuscripts actually consists of three different texts. The first text begins by mentioning Sultan Mahmud Syah as Sang Purba who came down from Mount Seguntang to be a ruler in Melaka by the grace of the all-powerful God. This text has the same contents as the Maritime Code of Malacca. It is very similar to the text published by Winstedt and De Josselin de Jong (1956) except that a few sections on marriage laws are added and that at the end there are the words: *Tammat Lebai selesai Kitab Kanun dan Undang-undang.* Cod. Or. 2160 lacks these additional materials.

The second text is the so-called *Undang-undang Negeri* text. It was written by Kadi Sadar Johan [1] who is said to be a judge (*hakim*) in the Malacca kingdom. Its contents deal with quarrels at court, disobedience to royal command, battery, abusing people, killing, theft of fruits, animals and royal slaves, the price of goods, the children of slaves,

rape, the insignia of the Patani *bendahara* and so on. Apart from Cod. Or. 2160, all the manuscripts mention Nusyirwan the Just and stress that a ruler must only give his judgement after investigation.

The third text is no other than a fragment of the *Undang-undang Melaka*, corresponding to *fasal* 9-23 of this text edition. However, it has two *fasal* which are lacking in our text edition. These *fasal* discuss the desertion of slaves and the tributes to be paid to the ruler and other dignitaries when Chinese ships (*wangkang Cina*) arrive in Patani.

IV. *The "long" version*

There are five manuscripts which belong to this group: Von de Wall 50 (3), Cod. Or. 1725, Farquhar 1, Singapore no. 299 and Farquhar 10.

This group of manuscripts contains 66 *fasal* except Farquhar 10, which contains 81 *fasal*. Judged by its contents and structure, it can also be regarded as a legal miscellany. At least five different components or parts can be distinguished:

(i) The first part, *fasal* 1-16 and *fasal* 18 (I am refering to the 66 *fasal* group of manuscripts), corresponds to *fasal* 1-22 and *fasal* 29 of this text edition but it lacks the passages contained in 2.2; 5.3-4; 6.1-3; 12.2-3; 13; 14; 16; 17 and 18.3-5.

(ii) The second part, *fasal* 17 and *fasal* 19-25, was evidently compiled by order of Willem Dekker (1754-8), governor of Malacca, on 16th Syaban 1160 H (24th August 1747). It is lacking in the text edition.

(iii) The third part, *fasal* 26-52, is said to have been written by Encik Syamsuddin on 16th Safar, 1156 H (11th April 1743). It also mentions that this law of Sultan Mahmud had been observed from the time when Malacca was first established until the time of Sultan Sulaiman ibn Sultan Abdul Jalil Rahmat Syah (1722-60). It is also not found in the text edition.

(iv) The fourth part, *fasal* 53-6, corresponds to *fasal* 43.3-8 and *fasal* 44.1-8 of the text edition. But the text is rather brief and the wording is quite different. What is noticeable is that this fragment is also found in the *Undang-undang Pahang*[2], *fasal* 67-76. *Fasal* 43.2 and *fasal* 44.9 which are lacking in this legal miscellany are also found in the *Undang-undang Pahang, fasal* 66 and the last part of *fasal* 76.

I cannot but feel that this part certainly derives from a text which gradually came to be *fasal* 66-76 of the text of *Undang-undang Pahang* and *fasal* 43.2-8 and *fasal* 44.1-9 of the text edition.

(v) The fifth part beginning with *fasal* 57 till *fasal* 66 (the end) is supposed to have been given by Anthony Thomas Askafar (Schipper), governor of Malacca (1764-72) to Encik Zainuddin. This part is not found in the text edition.

With regard to the relationship between Farquhar 1 and the other 66 *fasal* manuscripts with Farquhar 10, which contains 81 *fasal,* the following can be stated:

The first part of the 66 *fasal* group of manuscripts corresponds to *fasal* 1-23 and *fasal* 27 of Farquhar 10. In addition, Farquhar 10 has a *fasal,* i.e. *fasal* 10, on the apprehension of runaway slaves which is not found in the 66 *fasal* group of manuscripts. The second part corresponds to *fasal* 25-6 and 29-34 of Farquhar 10 but is lacking *fasal* 31 of the latter which mentions the duties of chiefs. It has also a *fasal, fasal* 23, which deals with molesting others' slaves which is lacking in the latter. The third part corresponds to *fasal* 35-64 of Farquhar 10 but it is lacking *fasal* 55 of the latter which deals with rape. The fourth part corresponds to *fasal* 69-81 of Farquhar 10 but is lacking *fasal* 75 of the latter which discusses partnership in business. In its *fasal* 57, it also includes matters not discussed in the latter, i.e. (a) of ransoming absconded slaves, (b) of "killing", and (c) of amicable settlement and of suretyship.

Because of the nature of its structure, this version is rather repetitive. Killing stray cattle alone is mentioned in more than three places, i.e. in *fasal* 51 (or 63), *fasal* 56 (or 71) and *fasal* 60 (or 78). The "Code of Malacca" translated by T. J. Newbold (1839) is based on a text similar to Farquhar 10. Indeed, Farquhar 10 may even be the manuscript used by T. J. Newbold as it is the only manuscript which contains 81 *fasal* so far as I know.

V. *The Muslim and Johore Laws*

This group of manuscripts, totalling four in number, can again be divided into two sub-groups: (i) Von de Wall 50 (1, 2) and Cod. Or. 1722 (1, 2); and (ii) Maxwell 17 and Maxwell 20. The second group has been published by John E. Kempe and R. O. Winstedt (1948) as

part of the laws of Pahang. These two groups of manuscripts are identical except that there are two lacunae in the second group, namely in *fasal* 24 and *fasal* 34 (lacking in Maxwell 17 only). The colophon of the first group which mentions that Sultan Mahmud Syah al-Ghazi ibn Sultan Abdul Jalil Syah of Johore was the ruler who ordered the compilation of these laws is lacking in the second group. In place of the colophon, Maxwell 20 (of the second group) continues with a legal miscellany.

Actually these manuscripts contain two separate legal texts, corresponding to *fasal* 24-65 and *fasal* 66-76 of the Pahang Laws published by Kempe and Winstedt (1948). For the sake of convenience, I call these laws the Muslim law and the Johore law respectively. The Muslim law is apparently derived from a Muslim legal text which is also the source of the Muslim law section in the *Undang-undang Melaka*. Later, this law was expanded, adding materials from other sources. If we scrutinize the style, we will find that the original Muslim law materials which are also found in the Muslim law section of the *Undang-undang Melaka* are rather terse, sometimes translated verbatim from Muslim law books while the additional matters are less concise in style and the sources difficult to identify.

The Johore law section is rather corrupt and contains materials not found in the *Undang-undang Melaka,* i.e. *fasal* 68 (for convenience's sake, I quote the numbering of the Pahang law), 69, 70 (only the first sentence is found), 71, 72, 73, 74, 75, 76 (the second part is found in the *Undang-undang Melaka*). Kempe and Winstedt already observed that *fasal* 67 of the Pahang Law also occurs in the *Undang-undang Melaka* and that the second part of *fasal* 76 was corrupted from the Malacca Digest. But these two scholars were not aware that the greater part of the Muslim law and *fasal* 65 also occurred in the Malacca Digest. Below is a comparison between the relevant parts of the two laws:

Malacca law	*Pahang law*	*Malacca law*	*Pahang law*
30	24 (partial); 25a	32.5-6	32
31.1	25b; 26	33.1	33
31.2-3	26	34.1	34 (lacunae)
32.1	27b	35.1	40
32.2-4	28-30	36.1-2	59-60

Malacca law	*Pahang law*	*Malacca law*	*Pahang law*
37.1-2	63	43.2	66
38.1-2	63b; 64	43.3-8	67
38.3-4	65	44.1-3	67
39	46	44.4-9	76b
40.1-2	49-50	44.10	22
41-2	51-2		

It should be noticed that the passages as contained in *fasal* 43.1 (on the killing of stray animals) and *fasal* 44.11 (on the violation of royal prerogatives) are not found here. *Fasal* 44.10 on fines for royal children is found in the Pahang law proper. In place of *fasal* 44.11, this text continues to state that the laws were established (*didirikan*) in the time of Paduka Seri Sultan Mahmud Syah al-Ghazi ibn Sultan Abdul Jalil Syah of Johore. The text ends by narrating the particulars of a border agreement reached between Johore and the Portuguese.

VI. *The "short" version*

One common characteristic of this group of manuscripts with the exception of British Museum no. 12395 is that they do not contain materials beyond *fasal* 29 of the text edition. In other words, the Muslim and Johore laws are not found here. Apart from this common characteristic, they are very different from one another. It is almost impossible to give a general description of this group of manuscripts and therefore I prefer to describe them separately in the relevant sections. The manuscripts of this group include:

a) British Museum no. 12395; b) KL. 67C; c) Bat. Gen. 154; d) Bat. Gen. 152; e) Von de Wall 14; and f) Singapore no. 40.

VII. There are two fragmentary texts which do not belong to any of the groups mentioned above, i.e. Maxwell 11a and SOAS 7124.

Description of Manuscripts

The description of manuscripts which will fill the following pages is based on actual inspection and reading of the manuscripts. However,

many articles and catalogues have also been consulted. For the manuscripts in Leiden, I have consulted

(a) H. H. Juynboll, *Catalogus van de Maleische en Sundaneesche Handschriften der Leidsche Universiteitsbibliotheek,* 1899;

(b) Ph. S. van Ronkel, *Supplement-Catalogus der Maleische en Minangkabausche Handschriften in de Leidsche Universiteitsbibliotheek,* 1921;

(c) P. Voorhoeve, 'Indonesische Handschriften in de Universiteitsbibliotheek te Leiden', *BKI* 108 (1952), pt. 3. In this article Dr. Voorhoeve gives a brief survey of the oriental manuscripts in the Library of Leiden University and gives information on those Indonesian manuscripts which have not been described in the printed catalogues;

(d) Detailed notes on the *undang-undang* manuscripts made by Dr. R. Roolvink.[3]

Concerning Indonesian manuscripts in the United Kingdom, a description of Malay manuscripts in the British Museum was given by G. K. Niemann as early as 1871. Dr. P. Voorhoeve has made an inventory of the Indonesian manuscripts kept in various libraries in Great Britain (unpublished but available in the Legatum Warnerianum of Leiden University Library). It was through Dr. Voorhoeve's work that I became indirectly aware of the existence of the Cambridge and Dublin manuscripts of *Undang-undang Melaka*[4] which turned out to contain the "best" texts that I have come across. One of Voorhoeve's lists, on the manuscripts of the Royal Asiatic Society, was published in *JRAS,* April 1963. Recently the lists of Oxford University and Cambridge University have also been published.[5]

The manuscripts in Jakarta have been described in a voluminous catalogue by Ph. S. van Ronkel (Van Ronkel 1909).

Malay manuscripts in Germany were described by C. Snouck Hurgronje (Snouck Hurgronje 1889). Also Overbeck gave a description of Malay MSS in Germany, in *JMBRAS* (1926).

For Malay manuscripts in Paris, see A. Cabaton (1912).

I will begin by describing the manuscripts kept in The Netherlands (Leiden), then those in the United Kingdom (Dublin, Cambridge, London), those in Indonesia (Jakarta) and finally those kept in minor collections.

THE NETHERLANDS

LEIDEN UNIVERSITY LIBRARY

Cod. Or. 1705 (1) Undang-undang Melaka (A)

20.5 × 14 cm., pp. 1-75, 15 lines per page.
Dated 16th August 1827; copied in the General Secretariat in Batavia; it belonged originally to the Royal Academy in Delft. This is MS. A of the present edition.

This manuscript represents an inferior tradition of the *Undang-undang Melaka* text. It has many lacunae and corrupt readings but it also preserves better readings here and there where manuscripts of the better tradition are corrupt. It is for this reason that it has been used as one of the manuscripts of the present edition.

Cod. Or. 1706 (1) Undang-undang Negeri dan Pelayaran (B)

18.9 × 14.8 cm., pp. 1-91, 13 lines per page.
Dated 20th January 1839; copied in the General Secretariat in Batavia; it belonged originally to the Royal Academy in Delft. It is MS. B of this edition.

It is a complete text in 44 *fasal*. It is very close to Cod. Or. 1705 (1).

Cod. Or. 1722 (1, 2) (L)

22.2 × 18.7 cm., pp. 1-47, 15 lines per page (only the verso page is written on). Dated Wednesday, 26th Ramadan 1244 H (1st April 1829); copied by Encik Ismail bin Datuk Karkun. It belonged originally to Sinyor Bing, a clerk in the office of the resident of Riau, Lieutenant-Colonel Elout.

It is a manuscript of the Muslim and Johor Laws group.

Cod. Or. 1725 Surat Undang

22.3 × 17.2 cm., 144 pages, 15 lines per page (only the verso page is written on). Dated 24th Syawal 1244 H (29th April 1829); copied by Ismail bin Datuk Karkun in Riau.

This is a manuscript of the "long" version.

Cod. Or. 2160 Undang-undang Negeri dan Pelayaran

32 × 19.7 cm., pp. 1-42, 20 lines per page.
Dated dua likur Dzulkaidah 1253 H (18th February 1838); copied by Encik Said, a Buginese, for Mr. Walbeehm in Tanjung Pinang, Riau.

It is a Patani version of the *Undang-undang Melaka* with some variations. It has 23 *fasal*. *Fasal* 1 deals with the maritime law which is in turn divided into 14 *fasal*. *Fasal* 2-11 deal with the customs and laws of the country in former times. *Fasal* 12-22 contain a fragmentary text of the *Undang-undang Melaka* corresponding to *fasal* 9-23 of this text edition. It ends with the words: *Wa'llāhu ᶜalam* (And God knows best). *Fasal* 22 concerns slaves who left their owner's service. *Fasal* 23, the last *fasal*, speaks of the tributes to be paid to the ruler and other dignitaries when the Chinese ships (*wangkang Cina*) arrive in Patani.

Cod. Or. 3199 (1)

32 × 20.5 cm., pp. 1-65, 19 lines per page.
No date is mentioned, but the second part, which was copied by the same hand, is dated 1262 H (1845); copied in Tanjung Pinang, Riau; it belonged originally to Van der Tuuk's collection.

It is a complete text in 44 *fasal*. It is identical with Cod. Or. 1705 (1) except that it has been corrected here and there, perhaps by the scribe himself. Some words have been erased and new words substituted. Some clumsy additions of Cod. Or. 1705 (1) have also been deleted in pencil. It must be a copy of Cod. Or. 1705 (1) or both go back to the same ancestor.

Cod. Or. 3199 (3) Undang-undang Negeri dan Pelayaran

32 × 20.5 cm., pp. 100-65, 19 lines per page.
No date, copied probably in or after 1845, the year in which the second part of the manuscript was copied. It came from Riau and belonged originally to Van der Tuuk's collection.

It is a Patani version of *Undang-undang Melaka*.

Cod. Or. 5836 Risalah Hukum Kanun

33.5 × 20.7 cm., 38 pages, 22 lines per page.
No date, watermark Pro Patria-M. van Lier.

It is a complete text in 44 *fasal*. It is very close to Cod. Or. 1706 (1) and has the same lacunae.

Cod. Or. 5838 (1) Kitab Undang-undang

29.6 × 21.6 cm., 60 pages, 20 lines per page.
Dated 19th Rabiᶜu'l-awwal, 1312 H (19th September 1894); copied by

Muhammad Ali bin al-marhum ayahanda Hasan Melaka in Singapore. It was originally owned by Mantri Maludin, a man from Bangkahulu who made his copy from a text owned by Sayyid Syaikh bin al-Marhum Sayyid al-Syarif Abu Bahar al-Jawi in Jambi. On p. 3 is a note mentioning that Penghulu Dalu' Berdawah and his brother obtained this manuscript on 8th Safar 1313 H (30th July 1895).

It is a complete text with a great number of unnumbered *fasal*. After 44.11 of the present edition, this manuscript continues to narrate the royal prohibitions of Sultan Mahmud, conditions of selling and buying and the protocol to be observed while seeing the ruler.

This manuscript contains a text from the better tradition, though the text itself is rather corrupt. As it has the lacunae of KL. 45, it may be a copy of the latter, perhaps an indirect copy. It has many additional corruptions which are not found in KL. 45.

Cod. Or. 6078A Risalah Hukum Kanun

20.5 × 16.5 cm., 34 pages, 17 lines per page.
Dated Friday, Rabi^{c}u'l-awwal, 1270 H (December 1853).

This is a complete text in 44 *fasal*. This manuscript, like KL. 45, also appears to have been copied slovenly. In view of the lacunae and other scribal errors they have in common, it is very likely that this manuscript is a copy of KL. 45.

Cod. Or. 7077 Undang-undang Negeri

20.4 × 16.1 cm., 76 pages, 13 lines per page.
No date, place of origin is also unknown. It came from the legacy of Snouck Hurgronje (d. 1936).

This is a complete text in 41 *fasal*, the last *fasal* corresponding to *fasal* 44 of the present text edition. It is a bad text, slovenly copied.

KL. 20 Undang-undang Melayu (K)

20.2 × 16.5 cm., pp. 1-59, 15 lines per page.
Paper dated 1863. Copied from a text which came from Acheh, very probably in Kedah.

This is an Achehnese version of *Undang-undang Melaka*.

KL. 24 Surat Hukum Kanun

19.5 × 16 cm., 46 pages, 19 lines per page.
No date, paper dated 1863; copied from a manuscript in the possession of Datuk Orang Kaya Mapar.

This manuscript may be a copy of KL. 45.

KL. 45 Risalah Hukum Kanun

24.5 × 20 cm., 63 pages, 15 lines per page.
No date, no watermark, but it must have been copied before 1853, as Cod. Or. 6078, which is a copy of this manuscript, was dated Rabi^{c}u'l-awwal, 1270 H (December 1853). It belonged originally to Klinkert's collection.

It is a complete text in 44 *fasal*. At the end of the manuscript is an appendix on the royal prohibitions of Sultan Mahmud. This passage is very similar to a passage found in *Sejarah Melayu*.[6] This manuscript represents a better tradition of the *Undang-undang Melaka* text. The manuscript itself, however, was sloppily copied. It has many lacunae and scribal errors.

KL. 48 Risalah Hukum Kanun

20.5 × 17 cm., 57 pages, plus 15 pages of notes, 24 lines per page. Dated 1886, copied by H. C. Klinkert himself, based on the two 'best' Leiden manuscripts, i.e. Cod. Or. 1705 and Cod. Or. 1706.

This is a complete text in 44 *fasal*, prepared by H. C. Klinkert for the press but never published. Its title reads: *De land- en zeewetten der Maleiers, verbeterde redactie naar de twee beste handschriften voorhanden in de Universiteits-bibliotheek te Leiden onder de nummers 1705 en 1706 of 224 en 225.*

KL. 50 Risalah Hukum Kanun

21 × 34 cm., 24 pages, 34 lines per page.

This is a copy of KL. 45.

KL. 67 C Risalah Hukum Kanun

31 × 20 cm., 82 pages, pages 1 and 82 blank; 19 lines per page.
No date, but with watermark no. 149, 1848 A.D.

This is a copy of Bat. Gen. 154, copied for the use of Europeans. The Malay text is on the even pages. There is a romanized transcription on the opposite, uneven, pages.

UNITED KINGDOM

TRINITY COLLEGE, DUBLIN

No. 1638 Undang-undang Melayu (D)

8″ × 5″, pages 1-276, 13 lines per page.
Dated 16th Sa^{c}ban 1216 H (22nd December 1801), presented to the library by T. McAuoid (?) in 1818, according to Rev. Chas Hamilton's Catalogue; watermark 1794 (according to Dr. P. Voorhoeve's notes). This is MS. D of the present text edition.

It is a complete text in 44 *fasal* but lacking *fasal* 24-7. *Fasal* 43 is unnumbered. It has a colophon at the end of *fasal* 44.8 which reads:

"Tammat Undang-undang Negeri kepada enam belas hari bulan Sa^{c}ban, kepada hari Arba^{c}a, waktu jam pukul sepuluh, al-tarikh seribu dua ratus sepuluh enam, kepada tahun Jim." Pages 278-376 contain the maritime law.

It is a good text from the better tradition of the *Undang-undang Melaka.*

UNIVERSITY LIBRARY, CAMBRIDGE

Or. 1364 Risalah (Hukum) Kanun dan Undang-undang Laut (C)
8⅛″ × 6⅜″, 156 pages (pp. 1-4 and 154-6 blank), 13 lines per page. Dated 23rd Rajab 1231 H (19th June 1816), owned originally by N. E. Philips who presented it to "his valued friend N. J. Farquhar". Presented to the library by R. G. Gayer Anderson Pasha and T. G. Gayer Anderson on 19th January 1943. This is MS. C of the present text edition.

Pages 5-105 contain a complete text of the *Undang-undang Melaka* in 40 *fasal,* the last *fasal* corresponding to *fasal* 44 of the text edition. *Fasal* 24-7 of the text edition are omitted. It has a colophon after *fasal* 44.8 which reads:

"Tammat Undang-undang Negeri kepada dua puluh tiga hari bulan Rajab, hari Arba^{c}a, waktu jam pukul sepuluh, al-tarikh 1231, tahun *ha.* Tammat."

Pages 106-153 contain the maritime law.

It is a very valuable manuscript, because it contains a good text from the better tradition of the *Undang-undang Melaka.* It corrects many

of the corrupt passages which are otherwise impossible to amend. It is very close to Dublin 1638 and both may go back to the same source.

ROYAL ASIATIC SOCIETY, LONDON

Raf. Mal. 74 Undang-undang Johor (R)
Small quarto, pages 30-155, 12-13 lines per page. Dutch paper. Presented to the Royal Asiatic Society by Lady Raffles on January 16, 1830.

Pages 30-155 contain a complete *Undang-undang Melaka* text. However, only the first nineteen *fasal* are numbered. The opening passage is lacking. It begins with: *tiga pada sembahyang.* At the end of *fasal* 44.10, after the words: *empat puluh perak akan temenggung,* the text draws to an end: *Undang-undang Johor tammat.* In another section of the manuscript which deals with Selangor slave law, a date 1189 H (1775, p. 145) is mentioned.

This text represents an intermediary stage of the development of the *Undang-undang Melaka* text. Some of the linguistic characteristics of the better text are still preserved, but omissions and additions from the inferior tradition have already crept in.

Farquhar 1 Undang-undang Raja Melaka

Small quarto, 52 pages, 15 lines per page.
Dated 12th Rabi^{c}u'l-thani, 1232 H (1st March 1817); paper dated 1806; copied by Kerani Abdul Wahid from Kampung Melayu, Melaka; owned by Raja Major Far(quh)ar; presented by Colonel Farquhar to the Royal Asiatic Society on Nov. 3, 1827.

Although it is an *Undang-undang* text, the fly-leaf bears the title *Cerita Sultan Iskandar* (The Story of Sultan Alexander). It has 66 *fasal* and belongs to the "long" version of the *Undang-undang Melaka* text.

Farquhar 10 Undang-undang Raja Melaka

Small quarto, 46 pages, average 17 lines per page.
No date; in the text, the year 1154 H (1741) is mentioned. Watermark V.G. and three half-moons. Thick paper. It belonged originally to Farquhar.

This text has 81 *fasal* and belongs to the "long" version of the *Undang-undang Melaka.* A similar text was translated and published by T. J. Newbold in 1839.

Maxwell 5 Undang-undang Melaka

13″ × 8″, 42 pages, 22 lines per page.
19th century, owned originally by W. E. Maxwell, Magistrate of Police, Singapore.

It is a Patani version of the *Undang-undang Melaka.* However, the text ends abruptly after the passage on slave-debtors. The passage on the Chinese ships (*wangkang Cina*) and the story of Nusyirwan the Just are not included.

Maxwell 6 Undang-undang Melaka

13″ × 8″, 56 pages, 22 lines per page.
Dated 1304 H (1887); copied from a text dated 3rd Rabi^{c}u'l-awwal 1237 H (28th November 1821); owned originally by William Edward Maxwell, C.M.G., resident councillor of Penang Island, who obtained it from Penghulu Syihabuddin ibn Manan, Melaka.

It is a fragmentary *Undang-undang Melaka* text in 44 *fasal*; *fasal* 42 and *fasal* 43 are unnumbered. The arrangement of *fasal* is rather confused. It begins with *berselam bercelur minyak* in the middle of *fasal* 14. After a few pages, it is followed by *hukum orang mengamuk* which is actually the subject matter of *fasal* 6. A long passage corresponding to lines 540-745 of the text edition is lacking, because more than half of pages 13, 14 and page 15 were blank. It has a colophon at the end of 44.8:

"Tammat kitab Undang-undang Negeri kepada tiga hari bulan Rabi^{c}u'l-awwal hari Arba^{c}a, kepada waktu jam pukul delapan. Termaktubnya di Kota Baharu Sanat 1237 w-h-i-d-h. Wa katibuhu fakir yang hina lagi dhaif serta miskin yang tiada daya upaya yang . . ."

The text is very close to that of Cod. Or. 1705 (1).

Maxwell 10

13″ × 18″, 60 pages (only the even pages are written on). 34 lines per page. No date.

It is an *Undang-undang Melaka* text in 44 *fasal.* The text is very close to that of Cod. Or. 1705 (1).

Maxwell 11a Undang-undang Melaka

13″ × 8″, 38 pages, 22 lines per page.
Dated 1308 H (1890).

Pages 1-15 and pages 19-20 contain a fragmentary text of *Undang-undang Melaka,* corresponding to *fasal* 8-24 of the present text edition, but lacking part of *fasal* 8 and the whole of *fasal* 10. The text begins in the middle of *fasal* 8: *yang membunuh dibunuh hukumnya, maka ᶜadil namanya.*

This text may well be described as a legal miscellany. All sorts of materials are included. Besides the *Undang-undang Melaka* text, it also has *fasal* which deal with the customs of Malay rulers and ministers (p. 21), the maritime law (p. 27) and the law of Patani (p. 33).

Maxwell 17 A Malay Legal Digest

13″ × 8″, 34 pages, 26 lines per page.
Dated 1296 H (1879); copied for Sir William Maxwell from a manuscript dated 1234 H (1819) belonging to Sultan Idris ibn Raja Iskandar. The copyist was Naina Ahmad Lebai. Described and edited by John E. Kempe and R. O. Winstedt (1948). This is their MS. A.

This manuscript was generally known as the Pahang Laws which is a misnomer. Actually only the first twenty-three sections published by Kempe and Winstedt can be regarded as the Pahang Laws. The sections 24-76 contain materials very similar to what I call the Muslim and Johor Laws, and may have derived from the same source. The sections 77-93 are a legal miscellany.

Maxwell 19 Undang-undang Melaka

12¾″ × 8″, 78 pages, 32 lines per page.
No date, but the colophon at the end of the section on maritime laws mentions that the manuscript was copied by Encik Maulana in the year 1083 H (1672).

It is a slightly different Patani version of the *Undang-undang Melaka.* Pages 1-8 contain a maritime law code with the colophon mentioned above. Pages 23-40 contain a fragmentary text of the *Undang-undang Melaka,* corresponding to *fasal* 33-6, *fasal* 9-23 and *fasal* 26-7 of the present text edition. Then on page 60, it is mentioned that Kadi Sadar Johan compiled the law by order of Sultan Mahmud.

Maxwell 20 A Malay Legal Digest

12¾″ × 8″, 40 pages, 22 lines per page.
Copied in 1884 from a manuscript of the Datuk Sri Adika Raja, dated

1248 H (1832). Described and edited by John E. Kempe and R. O. Winstedt (1948). It is their MS. B.

This text is close to that of Maxwell 17 except that sections 77-93 of the latter are lacking.

SCHOOL OF ORIENTAL AND AFRICAN STUDIES, LONDON

No. 40329 Undang-undang Kedah

13″ × 8″, pp. 29-54, 28 lines per page.
Dated 1199 H (1785); described by R. O. Winstedt (1928).

Pages 29-54 contain an Achehnese version of the *Undang-undang Melaka*. This section was omitted by Winstedt when he published this manuscript as the *Undang-undang Kedah* (Winstedt 1928) as he considered it a mere repetition of the Malacca Code. At the end of the maritime law, a colophon mentions that the law was compiled in 1222 H (1807) under Sultan Jamal al-ᶜAlam Badr al-Munir. It should be noted here, however, that another manuscript in Jakarta which bears the same title *Undang-undang Kedah* (Bat. Gen. 25) does not contain this text.

No. 40505 Undang-undang Sultan Mahmud Syah

8¼″ × 6½″. pp. 1-55, 16 lines per page.
Dated 1202 H (1787/8), copied in Kedah from a manuscript which came from Acheh.

This is an Achehnese version of the *Undang-undang Melaka*.

No. 40506 Undang2 Sultan Mahmud Syah

23.5 × 18.5 cm., 81 pages, 17 lines per page.
No date, copied in Patani.

This is a Patani version of the *Undang-undang Melaka*.

No. 7124 (14)

8½″ × 6¼″, pp. 590-606, 19 lines per page.

This is a manuscript consisting of 14 parts. The last part, pp. 590-604 is said to contain a fragment of the *Undang-undang Melaka* text. On closer examination, it turns out to be a legal miscellany, containing among other things, materials from the *Undang-undang Melaka* scattered through the various sections.

BRITISH MUSEUM, LONDON

No. 12395 (Malay 20) Kitab Undang-undang Melaka

21 × 16 cm., 98 pages, 19 lines per page.
No date; acquired from John Crawfurd in 1845.

Pages 1-65 contain a text of the *Undang-undang Melaka.* However, only the first 17 pages are numbered, corresponding to *fasal* 43.1 of the text edition. In the introduction, Sultan Abdul Jalil Rahmat Syah is mentioned as the ruler who gave orders for the compilation of this law so that the Muslim community would not destroy itself by fighting one another and the ministers and high dignitaries would not quarrel amongst themselves.

The introduction and the text are both rather different from the text edition, especially after the last *fasal,* i.e. *fasal* 17. Materials not found in the text edition are dispersed; page 13, (after 11.1) concerns the wooing of someone's daughter; on page 33, the MS deals with theft that occurs when one is in the house of one's friend; on page 54, the MS describes *sandar* (deposit). Pages 66-72 deal with debt-slavery, rape and the option in marriage which is also dealt with in other places. The maritime section begins on page 73. This is an entirely different version of the *Undang-undang Melaka.* The text is very corrupt.

No. 12397 (Malay 24) Undang2 Melaka (E)

23 × 19 cm., pp. 1-64, 16 lines per page.
Dated 1236 H (1820), copied in Singapore; sold to the British Museum by John Crawfurd in 1845. This is MS. E of the present text edition.

This is an *Undang² Melaka* text in 44 *fasal.* It represents an intermediate stage in the development of the *Undang² Melaka* text. Good readings are here and there preserved but corruptions had already crept in.

INDONESIA

CENTRAL MUSEUM, JAKARTA

Bat. Gen. 152 Undang-undang Melaka

31 × 20 cm., 44 pages, 19 lines per page. No date.

Pages 1-44 contain a manuscript of the *Undang-undang Melaka* corresponding to *fasal* 1-29 of the present edition. However, only the first nineteen *fasal* are numbered. *Fasal* 4 and 5 have been joined

together as *fasal* 4. In place of *fasal* 5 is one *fasal* on scolding people in one's own house, which is not found in any other manuscript. At the beginning of this text, Sultan Mahmud, son of Sang Purba, is mentioned as the Malacca King who ordered the compilation of this *Undang-undang* which is claimed to have been in force since that time. At the end of the Muslim family law section, Syaikh Abdul Ghoyu is mentioned as the writer. After the last section on weights and measures, there is the phrase: *Tammat al-kalam* (The end).

On page 43 there begins a new text, dealing with eight basic laws, i.e. *akal, ilmu, cerdik, candakia, arif budiman, bijaksana, bodoh dan bingung*. On page 51 is a story taken from *Sirr al-Mulūk* about a conversation between Nusyirwan the Just and Buzurjmihr al-hakim.

The manuscript is very corrupt and moreover, in a rather damaged condition so that many words cannot be deciphered. A transliteration by Drs. Jumsari has been consulted.

Bat. Gen. 154 Risalah Hukum Kanun

28.5 × 20 cm., 38 pages, 21 lines per page.
Dated 1262 H (1846), copied by Encik Umar from a text dated 1202 H (1787), which was copied by Lebai Ahmad by order of Sultan Abdul Jalil Syah (1717-1722).

Pages 1-30 contain an *Undang-undang Melaka* text in 19 *fasal,* corresponding to *fasal* 20 of the text edition. There are several unnumbered *fasal* so that the text actually corresponds to *fasal* 28 of the text edition. *Fasal* 25 and 26, however, are lacking, Pages 30-38 contain five unnumbered *fasal* on the Malay customs as used in the court of Sultan Abdul Jalil Syah. Then there are two colophons mentioning the date of copying as set out above.

This is a "modern" adaptation of the *Undang-undang Melaka* compiled in the last quarter of the eighteenth century. The manuscript is rather corrupt and has many lacunae. The text is different from that of the present edition.

Von de Wall 13 Hukum Kanun

20 × 16.5 cm., 75 pages, 17 lines per page.

Pages 1-62 contain a manuscript of the *Undang-undang Melaka* text in 25 *fasal,* corresponding to *fasal* 1-23 and 28-30 of the text edition. The sections on family law are lacking, while its two sections on business transactions and pawning are brief and corrupt. Then on page 63 there

is a fragment on various religious matters, such as the advantages of washing the bodies of the deceased, prayer and the use of talismans. The last page deals with marriage.

This manuscript is still close to the text edition. It is corrupt in several places and has not been used.

Von de Wall 50 (1, 2)

21 × 16 cm., pp. 1-36, 17 lines per page.
Dated 1266 H (1849); copied by Tuan Haji Muhammad Orang Jawi ibn Abdullah of Demak from a text owned by the Datuk Penghulu of Naning.

It is a text of the Muslim and Johor Laws group of manuscripts.

Von de Wall 50 (3) Undang-undang Johor

21 × 16 cm., pp. 37-84, 17 lines per page.
Dated 1266 H (1849), copied by Tuan Haji Muhammad Jawi Semarangi (i.e. from Semarang).

This text contains 66 *fasal* and belongs to the "long" version of the *Undang-undang Melaka.*

Von de Wall 55 Risalah Hukum Kanun

33 × 20.5 cm., 42 pages, 25-6 lines per page.

This manuscript is not available in the Museum. Judging by Van Ronkel's description in the Catalogue, it is probably a copy of Bat. Gen. 154, or both of them go back to the same source.

Von de Wall 59 (1) Undang-undang Melayu

33 × 20.5 cm., pp. 1-52, 19 lines per page.
Dated 1202 H (1804), copied, very probably from a manuscript which came from Acheh, in Kedah.

This manuscript contains 40 *fasal* and belongs to the Achehnese version of the *Undang-undang Melaka.*

GERMANY

ROYAL LIBRARY, BERLIN, GERMANY

Schoemann V, 33 Hukum Kanun
20.5 × 15 cm., pp. 1-100, 13 lines per page.

Dated 1837; it belonged originally to Dr. Schoemann who was in Indonesia during the period 1845-51. It was first described by Snouck Hurgronje (1889) and then by H. Overbeck in *JMBRAS* Vol. IV, (1926).

It is an *Undang-undang Melaka* text in 44 *fasal* and is very close to that of Cod. Or. 1706 (1).

FRANCE

BIBLIOTHÈQUE NATIONALE, PARIS

No. 37 Kitab Hukum Kanun

25 × 15.5 cm., 62 pages, 18 lines per page but the first two pages, which are adorned with flowers on the border, have only 12 lines per page. Dated 1239 H (1823), owned by G. Huttman. Chinese paper.

It is an *Undang-undang Melaka* text in 40 *fasal.* The text is very close to that of Cambridge 1364 but the manuscript itself is corrupt and has many lacunae. After *fasal* 40, it has a colophon which mentions the date of compilation and its owner as quoted above.

No. 38 Undang-undang Melaka

20.5 × 14 cm., 106 pages, 15 lines per page.
Dated 26 September 1827.

It is identical with Cod. Or. 3199 (3) and may be derived from the same source.

REPUBLIC OF SINGAPORE

NATIONAL LIBRARY, SINGAPORE

No. 40 Adat Orang Menjadi Raja

20 × 16 cm., pages 1-50, 15 lines per page.
No date; it belonged to the former Logan Library in Singapore.

It contains a fragment of the *Undang-undang Melaka* text in 26 *fasal,* corresponding to *fasal* 1-27 of the text edition. It is, however, very corrupt and has many lacunae. The opening passage is tinted with religious flavour: A Muslim should not betray another Muslim. Before dealing with the customs of Malay rulers on page 55, it has a few *fasal* dealing with buying and selling, accusation of adultery and theft of property.

No. 299 Undang2 Sultan Mahmud Syah

Snouck Hurgronje mentioned this manuscript in his notes left to the Leiden University Library, i.e. Cod. Or. 7938. This manuscript, however, is not available in the Library. From Snouck Hurgronje's note it is clear that this is a manuscript which belongs to the 66 *fasal* group. The names Anthoni Thomas and Encik Zainuddin are also mentioned. Its opening passage is rather different. It reads:

"Bahwa ini surat Undang[2] Sultan Mahmud Syah. Ialah pertama masuk agama Islam. Maka ia beristerikan Putri Rakan. Ia juga memerintahkan segala raja[2] dan menteri dengan segala orang besar[2]".

CHAPTER III

CHARACTERISTICS OF THE TEXT

The Structure of the Text

The first thing we must bear in mind concerning the *Undang-undang Melaka* is that it is a hybrid text. In other words, it is composed of several separate texts bound together as one manuscript. It was copied and later recopied and although it undoubtedly came to be regarded as one text, the various component parts still clearly show themselves. The *Undang-undang Melaka* which is published here consists of six different texts:

(i) *The Undang-undang Melaka* (proper)
(ii) The Maritime Law (partly)
(iii) Muslim Marriage Law
(iv) Muslim Law of Sale and Procedure
(v) *The Undang-undang Negeri*
(vi) *The Undang-undang Johor.*

(i) *The Undang-undang Melaka* (proper)

Fasal 1-23.1 may be regarded as the *Undang-undang Melaka* (proper). It is the most important section or component of the text. In this section, the *ᶜadat* is stated as occupying an important place in the administration of justice in the country. However, Islamic influence had already begun to penetrate Malay society. The law prevailing in the country was the customary law. But any divergence from Islamic law was deemed worthy of notice. Therefore in many places, we find that the writer, after mentioning the penalty according to custom, also mentions a variety of penalties according to the law of God. E.g. *fasal* 5.3 states that the killing of a paramour who trespasses upon one's compound is pardonable. But it goes on to state that according to the law of God, he who kills shall be killed. *Fasal* 12.2 states that a man who rapes a girl shall be fined and made to marry her, but it goes on to say

that according to the law of God, the offender shall be either stoned to death (if he is *muḥṣan*) or given 80 lashes (if he is non-*muḥṣan*). Other comparisons between *ᶜadat* and Islamic Law are found in *fasal* 7.3; 8.2; 11.4; 12.2; 14.1-2; and 17.1.

The *Undang-undang Melaka,* however, was not all written at the same period. It obtained its present form through a process of continual growth, although its nucleus must have been a decree issued by Sultan Muhammad Syah.[1] This decree prohibited the use of yellow clothes, yellow umbrellas and the use of certain words which were the sole prerogatives of the ruler. The duties of different high dignitaries were also defined in the decree. Later an order was given to collect the "court records" kept by the various high dignitaries. The Malay text speaks of collecting and compiling criminal codes (*dihimpunkan hukum ini*) which had been recorded and stored in the offices of various ministers (*terhimpun pada*[2] *segala menteri*).

The text so collected might have consisted of nine or nineteen *fasal* or chapters. Cod. Or. 1705 (1) and Cod. Or. 1706 (1) mention that the rules collected are nine in number (*atas sembilan fasal*), while KL. 67 C and Bat. Gen. 154 mention that they are nineteen in number (*atas sembilan belas fasal*). It is quite probable that the *Undang-undang Melaka* grew out of some form of decree consisting of nine *fasal.* This decree might even be that issued by Sultan Muhammad Syah. Farquhar 10 states in its *fasal* 10 that such was the custom established by His Majesty Sultan Mahmud (or Muhammad) Syah, the ruler of the Malacca kingdom (*demikianlah yang diᶜadatkan baginda Sultan Mahmud Syah*). But as for the *Undang-undang Melaka* proper, it appears more likely that it contained nineteen *fasal. Nine* (*sembilan*) may be just a scribe's error for *nineteen* (*sembilan belas*).

At the beginning of the section, I have mentioned that *fasal* 1-23.1 may be regarded as the *Undang-undang Melaka* (proper). How are we to explain the difference in the numbering of *fasal*? There are two possibilities. First, *fasal* 1-3 as printed in this text edition might originally have consisted of only one *fasal.* The subject matter is similar: royal prohibitions. More important, in *fasal* 3 we find the concluding phrase for *fasal* 1: *itulah majelis segala raja*[2] *itu* (that is the custom of Malay rulers). This also explains why the subject matter of *fasal* 2 and 3 seems rather meagre. The second possibility is that *fasal* 16 and *fasal* 18 just do not belong to the *Undang-undang Melaka* proper. The main part of *fasal* 16 deals with the *unauthorized agent* (*hukum fuḍūlī*), which is itself an Islamic legal term and frequently discussed in Islamic law

books. The main part of *fasal* 18 deals with the circumstances in which the parents can reject the earnest money paid to them. It is very similar to *khiyār*, the option of rescission dealt with in Islamic law. In addition, the style of these *fasal* is not consistent with that of the rest of the section. It is full of Arabic words which are rarely encountered elsewhere. Moreover, something very interesting occurs in Cambridge no. 1634 and Dublin no. 1638. In the middle of *fasal* 18 the word *tammat* (the end) unexpectedly occurs. It means that the matter under discussion has come to an end but, in fact, the text continues. The solution to this problem may be that *fasal* 18 is the last *fasal* of an independent text which was later copied or incorporated into the *Undang-undang Melaka* and that the concluding word *tammat* was also slavishly copied.

We may safely draw the conclusion that the *Undang-undang Melaka* (proper) consists of nineteen *fasal*, corresponding to *fasal* 1-23.1 of the present text edition. It differs in that it combines *fasal* 1-3 as one *fasal* and excludes *fasal* 16 and *fasal* 18.

(ii) *The Maritime Law* (23.3-5; 24.1-2; 29)

These sections of maritime law, dealing with people rescued at sea, the recovery of boats drifting out to sea, and weights and measures respectively, might have originated not long after the coming into existence of the *Undang-undang Melaka*. They certainly existed before the *Maritime Law* (*Undang-undang Laut*) of Malacca was completed. It may be that the maritime law as it existed was inadequate and this led to the compilation of a separate Maritime Law (*Undang-undang Laut*) dealing with sea-voyages, and the duties of the ship's crew. The maritime law is said to have been compiled during the reign of Sultan Mahmud Syah of Malacca.[3] In the introduction to this law, it is stated that this maritime law is to be used at sea while the land law is to be used on land. This statement implies that the land law was already in existence at the time the maritime law was completed.

(iii) *Muslim Marriage Law* (25-28)

These four *fasal* on guardianship, marriage witnesses, *khiyār* (the option of rescission) in marriage and divorce are clearly translations of Muslim Syafi^{c}i law. This is proven by *fasal* 27.1. The Malay text mentions five kinds of defects in which either party can exercise the

right of rescission (*khiyār*). An examination of Abu Shujāᶜ's *at-Taqrīb*[4] shows that with regard to women there are five defects in consequence of which a man can exercise his right of rescission. With regard to men, there are also five defects as a result of which a woman can demand that the marriage contract be annulled, but the Malay text has combined these defects: the first and second concern defects which are applicable to both men and women, and they are three in number. The third and fourth defects concern women while the fifth concerns men. This last defect includes two original classes of defects.

Originally, these four sections of the Muslim marriage law might have formed an independent text by itself. By the time Cambridge no. 1364 and Dublin no. 1638 were copied, they had already become part and parcel of the *Undang-undang Melaka*. They were, however, omitted in these two manuscripts and Von de Wall 13. Perhaps the copyists of these three manuscripts were aware that these four sections on Muslim marriage law were not an integral part of the *Undang-undang Melaka*. What is interesting is that Dublin no. 1638, though omitting these four sections, keeps the original numbering of *fasal*. There is further evidence: at the end of the fourth section, it is always stated: *wa'llāhu aᶜlam bi'ṣ-ṣawāb* (God knoweth best what is true). This is an indication that the particular section of the text has ended. Bat. Gen. 152 even adds that the text was copied by Syaikh Abdul Ghoyu (*wa kātibuhu Syaikh ᶜAbdul Ghoyu*). And in Bat. Gen. 154 and KL. 67 C we find the beginning of a new text, the customs of Malay rulers compiled in the reign of Seri Sultan Abdul Jalil Syah (1699-1718).

(iv) *Muslim Law of Sale and Procedure* (30-42, 43.1)

This section contains an extract of Islamic law of sale (*baiᶜ*) and legal procedure (*syahādat*). Because of the technicalities of Islamic law which were imperfectly understood, the text became very corrupt. The only method of restoration is by comparing it with Arabic law texts. *Fasal* 32.2 deals with what is understood in Islamic law as *ṣulḥ* (amicable settlement). However, the term *ṣulḥ* was not properly understood and was therefore corrupted into *salah, silih, sah* and only occasionally we find the more correct form *suluh*. At the end of *fasal* 35, we suddenly come across a sentence: *Bermula sama dihukumnya ikrar pada hal sehat dan sakit* which at first sight does not make much sense but on closer scrutiny turns out to be a translation of an original in Arabic: *wa huwa*

fī ḥāli 's-ṣiḥḥati wa'l-maraḍ suwan.[5] The sentence means that an acknowledgement (of a debt whether made) in time of healthiness or in time of sickness has the same legal effect. *Fasal* 37.1 states that the testimony of a man is not accepted unless he has "satisfied" or "fulfilled" five conditions. To express "to fulfil", the Malay writer uses the word *terhimpun* which turns out to be a translation of the Arabic *ijtamaᶜa,* meaning "to be brought together", "to come together".

There is no doubt that this section is based upon some kind of Arabic law text and its commentary. The Arabic law text may be Abu Shujāᶜ's *at-Taqrīb* [6] or its commentary *Fatḥ al-Qarīb* by Ibn al-Qāsim al-Ghazzī [7] or *Ḥāshiya ᶜalā 'l-Fatḥ al-Qarīb,* a commentary on Ibn al-Qasīm al-Ghazzī, itself a commentary by Ibrāhīm al-Bājūrī.[8]

A great part of this section is also found in Cod. Or. 1722 (1) and the *Undang-undang Pahang* edited by Winstedt and Kempe, sections 24-65. Cod. Or. 1722 (1) has a sentence which denotes the beginning of a new text, *Bismi'llāhi'r-raḥmāni'r-raḥīm* and ends with: *Tammat bi ᶜauni 'l-maliki 'l-wahhāb. Tammat.* The many corrupt readings in this section can be corrected with the assistance of Cod. Or. 1722 (1). But this section of the law does not derive from Cod. Or. 1722 (1). There are obvious errors in Cod. Or. 1722 (1) which are not found in this section. For example, Cod. Or. 1722 (1) corrupts *ṣulḥ* into *silih* and *sah,* while the *Undang-undang Melaka* keeps *salah* or, occasionally and more correctly, *suluh.* However, as I have already shown above, they are both derived directly or indirectly from an Arabic original. Sections 24-65 of the *Undang-undang Pahang* published by Winstedt and Kempe might also have been derived from the same source. As there are omissions in the Pahang Law which are not found in Cod. Or. 1722 (1), the relevant sections in the Pahang Law may be derived from a text similar to Cod. Or. 1722 (1) but not vice versa.

This section of Islamic law had certainly entered the *Undang-undang Melaka* before a copy of the *Undang-undang Melaka* was brought to Acheh where it became the Achehnese version of the *Undang-undang Melaka.* The Achehnese version does not contain regulations extending beyond *fasal* 43.1. At the end of *fasal* 43.1, we come again across the words: *Tammat al-Kalam* (The End).

This section of Muslim law, found in all extant *Undang-undang Melaka* manuscripts except in groups VI and VII demonstrates clearly that Muslim law was once the widely practised law in the country. A kind of manual of Muslim law came into existence and this was referred to frequently by *kadi* or judges who were called upon to settle

disputes among the local population. Otherwise there would have been no point in copying the text time and again.

(v) *Undang-undang Negeri* (43.2-8; 44.1-8)

There is no doubt that this is an independent text. It begins with *Bismi'llāhi'r-raḥmāni'r-raḥīm* and ends with *Tammat Undang-undang Negeri* (Here ends the Law of the Land), followed by a colophon. I have for convenience's sake, labelled this section the *Undang-undang Negeri.* The title *Undang-undang Negeri* is found in the colophon and is also mentioned at the beginning of *fasal* 44.1.

This section of the law deals briefly with the killing of destructive animals, the finding of lost articles, rape, robbery, gambling and debtors. A great part of *fasal* 43.2 and *fasal* 44.4 stresses the duty of the ruler and his close relationship with his ministers. Reading through the text, one gets the impression that this is an adaptation of the *Undang-undang Melaka* proper for the use of local chiefs in some outlying areas of the Malacca Sultanate.

One statement requiring explanation is that in *fasal* 44.4 Sultan Muzaffar Syah is called the ruler *who commands us* (yang menitahkan hambanya sekalian) and carries out the laws laid down by his father Sultan Mahmud Syah (yang mengikut perintah ayahanda baginda Seri Sultan Mahmud Syah). Based on this fact and the fact that in all printed versions of *Sejarah Melayu,* Sultan Muzaffar Syah is described as the ruler who gave orders for the compilation of a sort of legal text,[9] Winstedt argued that the *Undang-undang Melaka* was compiled in the reign of Sultan Muzaffar Syah.[10] Further, Cod. Or. 3199 (3) described by R. Roolvink as a prototype of *Sejarah Melayu* also mentions Sultan Muzaffar Syah as the ruler "who promulgated the codes of Malay customs and laws of the Malays" (*dialah yang mengeluarkan surat ᶜadat-istiᶜadat dan undang-undang orang Melayu*).[11]

There is no reason to suspect the validity of this argument. I also believe that this sultan did contribute to the compilation of the *Undang-undang Melaka* proper. The word *proper* should be underlined here. In other words, if this Sultan Muzaffar Syah is identical with the ruler mentioned in *Sejarah Melayu,*[12] *fasal* 44.4, which mentions the name of this ruler, should not originally belong to this section of the text. It is more likely a misplaced fragment, the place of which should rather be somewhere in the *Undang-undang Melaka* proper.

Summing up, the *Undang-undang Negeri,* as this section of the

Undang-undang Melaka text is called, was originally an independent text which was later copied and added to the *Undang-undang Melaka*. *Fasal* 44.4, which mentions Sultan Muzaffar Syah as the ruler who executed the order of Sultan Mahmud Syah, is a misplaced fragment or alternatively this Sultan Muzaffar Syah is not the same Sultan Muzaffar Syah of the *Sejarah Melayu* but Sultan Muzaffar Syah II (1539-57).

(vi) *Johor Law* (44.9-11)

These three sections of the text are fragments of a law text which may be conveniently called *Undang-undang Johor* (The Johor Law). The title *Undang-undang Johor* is indeed found in two manuscripts which contain an identical text, i.e. Raf. Mal. 33 and Raf. Mal. 74. This title has led J. R. Logan to name a law text which he translated "The Malay Laws of the Principality of Johor".[13] What is translated is actually an *Undang-undang Melaka* text. The same is true of *The Code of Johor* mentioned so often by Newbold in his notes to the translation of The Code of Malacca.[14]

Fasal 44.9 mentions that it was a court officer Ahmad [15] who executed the "royal order" during the time of Sultan Mahmud al-Ghazi. R. O. Winstedt originally interpreted "executing the royal order" (*menjunjung titah*) as meaning "the carrying out of the compilation of these codes". However, he changed his mind later and rightly concluded that this section is a misplaced fragment.[16] The source of this fragment is not difficult to deduce: it must have come from a source from which Von de Wall 50 (2) and Cod. Or. 1722 (2), Maxwell 17, and Maxwell 20 are also derived. In these manuscripts, besides mentioning the name of the court officer Ahmad and the arrival of the Portuguese envoys, the Johor Law also has a colophon which states that the law was established by Sultan Mahmud al-Ghazi ibn Abdul Jalil Syah [17] in the year 1203 H (1788/9). Further, the signing of a border agreement with the Portuguese is also narrated.

"He who executed the royal order" needs further explanation. The "royal order" is certainly not the compilation of a legal code. Dr. Roolvink suggested as a possible interpretation: "the royal order was the execution of the Portuguese prisoners, which a court officer Ahmad carried out." This perhaps is the only explanation of this puzzling passage.

Fasal 44.10, which contains a passage full of obscure wordings con-

cerning the division of fines among the various officers, is also found in the Pahang Law, section 22. *Fasal* 44.11 mentions that the law was first in use during the time of Sultan Mahmud Syah and has continued throughout the reign of twenty-three rulers up to "the present day". This section is not found in the Johor Law. It may have been added by a copyist to enhance what he had copied.

Summing up, these sections do not belong to the *Undang-undang Melaka* proper. They are fragments of an *Undang-undang Johor* (The Johor Law). *Fasal* 44.9 is just a private note describing an important event of the time: the execution of the Portuguese prisoners carried out by the court officer Ahmad. *Fasal* 44.11 does not belong to the Johor Law but was inserted by a copyist to enhance the authority of the manuscript which he had copied.

Date of Compilation

As we have seen from the discussion above, the *Undang-undang Melaka* is a hybrid text, or rather, several texts bound together. It is futile to ascribe the compilation to any one ruler or any one period. The *Undang-undang Melaka* proper, and possibly also the maritime law section of the *Undang-undang Melaka* were first established during the time of Sultan Muhammad Syah (1424-44) and were completed during the reign of Sultan Muzaffar Syah (1445-58), the golden period of the Malacca Sultanate. The Muslim law sections, especially those concerning commercial matters and procedure might have been compiled sometime afterwards. The *Undang-undang Negeri* and *Undang-undang Johor* sections, though of later dates, might have been compiled at the beginning of the 16th century when the Portuguese first came to Malacca. The Johor Law might even have been compiled at the order of Sultan Mahmud Syah (1761-1812), son of Sultan Abdul Jalil Syah (1760-61).

Analysis of Contents

Scholars have long observed that the Malay family laws are generally translations of Islamic law. It is only in criminal law that we find the indigenous elements predominating, but Islamic elements also permeate through it. In several places, e.g. *fasal* 5.3, 7.3, 8.2-3, 11.4, 12.2, 14.1-2 and 16.1, we find that after prescribing a specific punishment for a certain crime, the code goes on to provide an alternative penalty,

according to the law of God. Thus in *fasal* 8.2, we find that, according to ᶜ*adat* law, (as used in the text), a slave may kill a free man who slaps him and escapes punishment, but according to the law of God, he who kills shall be killed. What is astonishing is that sometimes the so-called law of God is not the law of God, i.e. Islamic law, at all. According to Islamic law, a person who is guilty of false accusation of unlawful intercourse (*ḳadhf*) shall be awarded 80 lashes as punishment. But *fasal* 14.2 states that a person who is guilty of this offence shall be ordered to swear an oath and repent his behaviour. This provision may be a deliberate distortion in view of the leniency which ᶜ*adat* traditionally shows towards sexual offences.

We list below some of the punishments in ᶜ*adat* which have not been influenced by Islam:

(*a*) *Homicide*

He who kills shall be killed by the law of God. (5.1). However, the ᶜ*adat* mentions a few circumstances in which homicide is justified:

(i) killing a trespasser (in this case, a paramour) (5.3)
(ii) killing a person who runs amuck (6.1)
(iii) the privilege of the chief minister, police-chief, harbour-master and the captain to kill under certain circumstances (9.12)
(iv) to redress an insult, such as being slapped (8.1).

The law also allows a person to hire a champion to kill or beat someone, if it is done with the knowledge of the judge (17.2).

(*b*) *Offences against Property*

A thief if caught may be killed on the spot (11.1). But if the articles stolen are agricultural produce, the thief must not be killed; if the property includes a boat or cattle, he has only to pay a fine or compensation (11.3-4). If more than one thief is involved, the one who breaks into the house will have his (right) hand amputated.

He who takes someone's *biduanda* on a journey and the latter dies, must pay the value of the *biduanda* (10). It is a *maharaja lela* offence to trespass upon another's compound and kill people. The offender shall be fined one kati and five tahil (18.4).

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(*c*) *Sexual offences*

The law treats sexual offences lightly. A man who seduces a virgin and has had intercourse with her is only required to marry her and pay a fine. In the case of a married woman, he has only to prostrate himself before the husband and is then granted a pardon (12.1). But according to Islamic law, a *ḥadd* punishment will be imposed; the offender, if he is *muḥṣan*, shall be stoned to death; in the case of someone who is non-*muḥṣan*, he will be given 80 lashes.

(*d*) *Offences against the ruler*

The death penalty is imposed on those who exercise royal order without authority (2.2); or forge the royal seal (13.3); or kill someone who is in the process of carrying out the ruler's commission (5.4); encroach upon the royal prerogative by using certain forbidden words (2.1). Other offences such as using forbidden articles are also punished but less severely.

(*e*) *Other Regulations*

Besides imposing punishment for these offences, the law also deals with agricultural regulations and slavery. There are also two short sections dealing with maritime matters, including persons or boats rescued at sea (23.3-5) and offences committed on a boat (24.1). Below are short notices on agricultural regulations and slavery laws.

(*f*) *Agricultural law*

A man may occupy and cultivate any piece of waste land. But if the former owner returns, the present occupier may have to share its produce or under some circumstances even be fined (19; 20).

Land may be leased. But if the land does not yield fruit, the lease-holder may demand compensation from the lessor (19.2).

There are many regulations concerning stray buffaloes. He who brings back a stray buffalo must be given a payment. The owner must not tether his buffalo in any unsuitable place (21.2); at night he must also put his buffaloes in the pen (43.3).

(*g*) *Slaves*

There are three types of slaves:

(1) Ordinary slaves. They are known as *hamba*, *ᶜabdi*, *dengan*, *biduanda*. *Biduanda* seem to rank higher than other slaves.

Dengan is an old term for slave which was later substituted by *hamba* or *ᶜabdi*. There does not seem to be any difference between them.

(2) Debt-slaves. These are the *orang berhutang* who may regain their freedom by paying their debts.

(3) Royal slaves (*hamba raja*). Royal slaves enjoy the protection of the sovereign. One who kills a royal slave is liable to a severe fine. Any criminal may surrender (*hulur*) himself and become a royal slave, thereby saving his life.

Spelling and Language

Of the five manuscripts used, A and D show a larger number of features which characterize the "old" manuscripts[18] than other manuscripts. Old spelling features are not often found in B, though it is closely related to A. With regard to C, old spelling features are present, but much less than in D. The spelling in E is quite "modern" comparatively and does not deviate much from present day practice. Below are some of the spelling features which deviate from modern practice.

1. The absence of final vowels, especially *wau, ya* and occasionally *alif*:

901	A	l-m-b	for lembu
1407	A	t-h	for tahu
1865	A	b-r-l-a-k	for berlaku
1937	A	m-ng-a-k	for mengaku
1961	A	b-r-t-m	for bertemu
1984	CD	k-a-m	for kamu
881	B	j-a-d	for jadi
974	D	b-a-b	for babi
1279	A	k-m-b-a-l	for kembali
1568	A	p-r-g	for pergi
2012	D	k-a-l	for kali
2043	AC	k-a-m	for kami
894	D	s-u-k	for suka

2. The insertion of *alif* for *e* pepet:

404	A	d-a-r	for dera
1408	A	m-n-a-b-s	for menebus

3. The insertion of *alif* which is superfluous:

269	A	s-n-d-a-r-i	for sendiri
286	A	b-n-d-a-w-a-n	for biduanda (?)
288	A	m-u-d-a-i-k	for mudik
1887	D	k-r-a-b-u	for kerbau
2034	C	p-r-a-b-k-a-l	for purbakala

4. The omission of nasal (m, n, ng) before consonant:

109	A	b-t-l	for ba*n*tal
1324	A	g-t-ng	for ga*n*tang
1790	ABCD	d-l-t-r	for dilo*n*tar
1859	A	g-b-a-l-a-n	for ge*m*balaan
2020	ACD	j-b-a-t-n	for ja*m*batan

5. The insertion of nasal (n, ng) before consonant:

53	A	ma*n*jelis	for majelis
325	BCD	dipo*n*tong	for dipotong
743	C	pe*ng*kung	for pekung

6. The use of glottal stop at the end of a word:

1645	A	minta'	for minta
2042	CD	pinta'	for pinta

7. *h* sometimes used in initial, medial or final position:

Initial	318	A	*h*arang
	360	A	*h*ayam
Medial	227	A	merde*h*ika
Final	444	A	didenda*h*i
	615	A	tu*h*a
	612	A	didera*h*i
	627	A	meluka*h*i

8. *h* is not used:

	78	A	mengarapkan

9. *s* is used for *sy* or vice versa:

272	A	sahbandar	for syahbandar
988	A	manusya	for manusia

10. *k* is used for *g* or vice versa:

829	C	kadai	for gadai
586	B	digeratkan	for dikeratkan

11. *ba* is used quite often instead of *ber*:

1468	CD	b-a-n-i-k	for berniaga

12. *hamzah* is not used in words, like:

690	D	kerajaan
914	D	perkataan

However, some of these spelling features may be dialectical variants, they are not unusual in Malay manuscripts, e.g. features nos. 4-8. Feature no. 10 is the normal practice of copyists.

Arabic influence is strong especially in the part on Islamic law. As I have shown in the commentary, some sentences are just the equivalent of Arabic originals, e.g. line 1597. Worthy of notice also are words like *tahu* (910) and *tunggu* (1935) in senses no longer current in the Malay language but still found in present day Toba-Batak.[19]

CHAPTER IV

SUMMARY OF THE TEXT

Introduction

0.1 It is the duty of a ruler to appoint State dignitaries and functionaries whose functions are later mentioned. These laws were first established by Sultan Iskandar Syah who was the first ruler to embrace Islam and bore the title of Sultan Mahmud Syah, and later expanded by another Sultan Mahmud Syah who ordered that the laws kept in various ministries be brought together and codified.

Ch. 1

1.1 It is an offence to wear yellow or transparent clothes or a keris with a gold handle.

1.2 The four qualities of a ruler.

1.3 The qualities required of a ruler's subjects.

Ch. 2

2.1 He who transgresses the language rules established by the ruler shall be sentenced to death.

2.2 He who forges royal orders and letters of command shall also be sentenced to death.

Ch. 3

Certain articles are not to be used at the funeral of a commoner. Yellow mattresses, pillows and handkerchiefs are also forbidden.

Ch. 4

There are ten offences for which the death penalty will be incurred.

Ch. 5

5.1 He who kills without royal knowledge shall be put to death.

5.2 It is legitimate to kill without royal knowledge under four circumstances.

5.3 It is not an offence to kill a trespasser while fighting with him.

5.4 It is high treason to kill someone in the ruler's commission or under his orders, even though he has seduced one's wife.

Ch. 6

6.1 He who runs amuck may be killed, if he cannot be apprehended.

6.2 A minister must meet six conditions.

6.3 A judge cannot exonerate offences committed in three circumstances.

6.4 A slave who plans to kill his master may be killed, if he cannot be apprehended.

Ch. 7

7.1 He who kills a royal slave shall be fined.

7.2 He who kills a thief without the knowledge of the minister shall be fined.

7.3 A royal slave who steals may be killed on the spot but not otherwise.

A thief who is caught may be killed under certain circumstances.

Ch. 8

8.1 A slave who slashes a free man shall become a debt-slave. A free man who slashes a royal slave shall be fined.

8.2 A slave who slaps a free man shall have his hand amputated. A free man who slaps a slave shall be fined.

8.3 A slave who defames a free man shall be punched or have his teeth extracted. A free man who abuses the wife of a slave may be killed by the husband.

8.4 He who slaps a person may be killed by the offended party within three days.

Ch. 9

9.1 The Chief Minister (*Bendahara*), Police-Chief (*Temenggung*), Harbour-master (*Syahbandar*) and Sea-Captain (*Nakhoda*) may kill without royal sanction under certain circumstances.

9.2 The Sea-Captain (*Nakhoda*) may also kill an adulterer in his boat.

Ch. 10

He who takes someone's slave (*biduanda*) along on a journey shall be liable to a fine, if the latter dies.

Ch. 11

11.1 He who steals may be killed on the spot or on the same day. If

there are many thieves, only the one who enters the house shall have his (right) hand amputated.

11.2 A thief who steals agricultural produce shall not have his (right) hand amputated. But if he is caught stealing at night, he may be killed.

11.3 He who steals a boat, sells it or hides it must pay the value of the boat and its hire.

11.4 He who steals cattle shall be liable to a fine, the sum of which depends on the place from which the cattle was stolen. If a slave steals, his master must pay compensation.

Ch. 12

12.1 A man who seduces another man's wife, daughter or a female slave shall become a slave himself. In respect of someone's daughter, he may be made to marry her.

12.2 By the law of God, the offender (of the above offence) shall be given 80 lashes.

12.3 A man who falsely accuses another man shall be fined or flogged.

Ch. 13

13.1 A slave who runs away to a foreign country cannot be reclaimed. He can be ransomed, if he is still in the land.

13.2 A thief who hides someone's slave, if found, shall have his wife and family sequestered or be ordered to pay a fine.

13.3 An accessary (to stealing) is regarded as a thief. A man who forges royal commands shall be killed; in the case of letters of the dignitaries, fined.

13.4 As regards legal proceedings, a decision must be made immediately.

Ch. 14

14.1 A man who fails to prove an accusation in an ordeal is liable to punishment of death or a fine.

14.2 A man who falsely accuses another of adultery shall be sentenced to death or fined.

Ch. 15

15.1 A man who employs someone's slave without the knowledge of the master cannot claim compensation (from the slave's master), if his article or property is lost or destroyed by the slave.

15.2 If a slave dies in the service of an employer (with the knowledge of the master), compensation must be paid to the master.

15.3 The same applies in the case of employing a slave to dive.

15.4 A man who borrows a buffalo which gets killed later must indemnify the owner.

15.5 A man who steals and rapes a female slave shall be fined.

15.6 A man who borrows a female slave and then rapes her shall also be fined.

15.7 A man who borrows an animal such as a buffalo to carry out any kind of work must compensate the owner, if the animal gets killed.

15.8 A man who borrows a chopper or a cutting knife must also compensate the owner, if the articles borrowed are damaged or broken.

Ch. 16

16.1 Whoever interferes in others' quarrels does so at his own risk. A husband must not kill a paramour who has committed the same offence again.

16.2 It is permissible to interfere in others' affairs under three circumstances.

16.3 A man can interfere to assist his friend only under three circumstances.

Ch. 17

17.1-2 He who hires someone to kill or beat a person without the knowledge of the judge shall be fined.

Ch. 18

18.1 It is an offence to court someone's fiancée or to consent to one's daughter who has been betrothed to be courted by another man. In both cases, a fine is inflicted on the offender.

18.2 A girl's parents can return the earnest-money accepted, if four blemishes are found in the man.

18.3 A slave who courts a fellow slave's fiancée shall be fined.

18.4 A man who is guilty of *maharajalela* shall be fined.

18.5 A man who asks an intoxicated person to his house must put the latter under arrest, when he starts to kill or wound people.

Ch. 19

19.1 A new settler of a compound must share its fruits with the old owner.

19.2 If a mortgaged (or leased out) garden does not yield or bear fruit for a long period, the mortgagee can claim double the

money (given out as loan). Valuable objects found in such a garden must be shared.

19.3 A man who occupies a deserted village (*kampung*) may be charged or sued by the owner, when the latter appears.

Ch. 20

20.1 A man may cultivate a piece of "dead land" but if he cultivates a piece of "living land", he may be sued.

20.2 A man who cultivates a piece of empty land or land deserted by its owner shall be fined.

Ch. 21

21.1 A man who ties a buffalo in an unsuitable place shall be fined.

21.2 A man who kills a buffalo of a dignitary has to become a slave of the latter; if the buffalo belongs to ordinary folk, he has only to pay the price of the animal killed and in addition a fine. There are cases where no liability occurs.

21.3 A man who brings back a stray buffalo must be given a reward.

Ch. 22

22.1 A man who burns off (prematurely) someone else's plantation must later burn it up entirely.

22.2 A man who does not fence his land or rice-field is responsible for all the damages caused by animals.

22.3 A slave who steals agricultural produce shall be bound and brought to his master.

Ch. 23

23.1 People who were given food during a famine cannot be sold for the debt incurred.

23.2 A slave may be ordered to earn his food.

23.3 People rescued at sea must not be sold as slaves.

23.4 People who overstay at a certain port because of shipwreck or otherwise and are later rescued, must pay a fine.

23.5 A person who recovers a boat at sea should be given a ransom or a reward (in case of a shoe-boat). There are three cases in which a boat need not be redeemed.

Ch. 24

24.1 The penalty for the stealing of royal slaves is death. A Sea-captain who steals someone's slave shall be killed or fined.

24.2 Rules regarding consignment are three in number.

Ch. 25

25.1 Persons who can act as legal guardian in the marriage of a woman.

25.2 A marriage formula must be uttered in the marriage ceremony.

Ch. 26

Witnesses must possess certain qualifications.

Ch. 27

Both man and woman can exercise the right of option and cancel the marriage contract if any defect is found or discovered.

Ch. 28

28.1 There are two kinds of repudiation.

28.2 A man can only marry a certain category of women.

28.3 Under four conditions or circumstances, a free man may marry a female slave.

Ch. 29

Rules pertaining to weights and measures and sea-captains (*Nakhoda*) are also vested in the Harbour-master (*Syahbandar*).

Ch. 30

Law pertaining to sale and the prohibition of usury.

Ch. 31

Rules governing the sale of land and the return of defective articles.

Ch. 32

Rules governing bankruptcy, amicable settlement, suretyship and borrowing.

Ch. 33

Rules on supplying capital to someone.

Ch. 34

Rules governing trusteeship.

Ch. 35

Rules governing acknowledgement.

Ch. 36

Rules governing apostasy.

Ch. 37

Rules governing the testimony of witnesses.

Ch. 38

Rules governing the procedure of taking an oath.

Ch. 39

Rules governing (unlawful) killing (of a human being).

Ch. 40

Rules governing unlawful intercourse.

Ch. 41

Rules governing slander.

Ch. 42

Rules governing alcoholic drinks.

Ch. 43

43.1 Rules on the taking of employment.
43.2 On the ruler's duties and his close relationship with his ministers and subjects.
43.3 On the killing of stray cattle.
43.4 On lost articles.
43.5 On rape.
43.6 On robbery.
43.7 On gambling.
43.8 On debts.

Ch. 44

44.1 On the debtor's wife and children.
44.2 On absconded slaves.
44.3 On royal slaves.
44.4 His Majesty who commands his subjects is Sultan Muzaffar Syah, son of Sultan Mahmud.
44.5 On Harbour-masters (*Syahbandar*) engaging in trade.
44.6 On the theft of slaves and slaves who have absconded.
44.7 On wearing gold anklets.
44.8 On royal prerogatives.
44.9 It was a court eunuch, Ahmad, who carried out Sultan Mahmud Syah al-Ghazi's order.
44.10 On fines imposed on royal children.
44.11 On violations of the royal command.

CHAPTER V

THE PRINCIPLES OF EDITION

In Chapter three we have distinguished six different groups of manuscripts based on their contents and the number of *fasal* contained in them. Group I, containing 44 *fasal,* is the largest. It is represented by 18 manuscripts. If we exclude a fragmentary text, Maxwell 6 and those that are mere copies of others,[1] 13 manuscripts still remain. These manuscripts may be regarded as the *Undang-undang Melaka.* From these manuscripts, I have chosen five of the 'best' to prepare this critical edition of the text. Manuscripts from other groups are also used but they are primarily for reference purposes only.

We must first ascertain the inter-relationship of the whole group of these manuscripts. There are several ways of doing so. One of the most commonly used methods is to choose *at random* a selected list of readings from the beginning, the middle and the ending part of a manuscript and check it against the readings of other manuscripts.[2] Another method is to choose special features of the manuscripts, such as omissions, additions, significant corrupt and variant readings for comparison. Manuscripts which share these common features cannot but belong to the same group or sub-group of manuscripts. And this is the method which is adopted here to ascertain the inter-relationship of these 13 complete manuscripts.

Based on the common features mentioned above, the thirteen manuscripts can be divided into two further categories or sub-groups:

Group I.	Cambridge 1364 (C)	Dublin 1638 (D)
	Cod. Or. 5638	KL. 45
	Br. M. 12397 (E)	Raf. 74 (R)
Group II.	Cod. Or. 1705 (1) (A)	Cod. Or. 1706 (1) (B)
	Cod. Or. 3199 (1)	Cod. Or. 5836
	Cod. Or. 7077	Maxwell 10
	Sch. V 33	

The second group of manuscripts shares a great number of omissions, additions, corrupt readings and variants which are lacking in the first group. The manuscripts of the first group also have their omissions, additions, corrupt and variant readings not shared by those of the second group. As for Raf. 74 (R) and Br. M. 12397 (E), they are "mixed" texts. Belonging to the first group, they also show a number of features which characterize the second group. Below are some examples. Other examples can be found in the apparatus criticus.

(a) *Omissions*

Most omissions belong to the type of corruption which L. D. Reynolds and N. G. Wilson call *saut du même au même*.[3] A scribe, finding the same word occurring twice within a short space, omits the intervening words. Other omissions are difficult to explain and are due solely to the negligence of the scribe.

(i) *saut du même au même*

CD 391-6	itu /(pun sepuluh emas .... perempuan itu/)
CD 627	orang /(atau memalu orang/)
CD 1137-8	itu /(semuanya .... itu/)
AB 35-46	datang /(kepada .... datang/)
AB 92-98	hukumnya /(Adapun .... hukumnya/)
AB 759-61	Itupun harus /(dipintanya kembali acara(m) itu ..... itupun harus dipintanya acara(m) itu/)

(ii)

AB 168-9	/(keenam, hendaklah arif kepada siasat dan perik(s)anya/)
AB 518-9	/(Adapun jikalau patah dibelanjai oleh orang yang meminjam itu barang berapa sehingga baiknya, kemudian dikembalikan kepada tuan-nya./)

(b) *Additions*

Several additions are found in the manuscripts which are all noted in the apparatus criticus. For example,

AB 540	See *fasal* 15, no. 19
AB 1025	See *fasal* 23, no. 17 (dittography)
AB 1031	See *fasal* 23, no. 21 (dittography)

AB 1044	See *fasal* 23, no. 28
CD 343	See *fasal* 11, no. 19
CD 655	After 'ditolong itu', is added 'seperti kain kapannya dan daripada belanja orang yang menyembahyangkan sekalian' (dittography; not in AB)
ACD 2047	See *fasal* 44, no. 61 (dittography)
E 1284	See *fasal* 28, no. 14

Most of the additions occur because of immediate repetition of a neighbouring passage or in anticipation of a similar passage or a combination of both, see for instance, *fasal* 23, no. 17 (AB). Some are insertions from the margin, e.g. a remark made by one of its owners, such as the addition in *fasal* 11, no. 19. Others may be intentional additions.

(c) *Corrupt and variant readings*

The relationship between these 2 groups of manuscripts is also obvious from the selected list of corrupt and variant readings (see pp. 54-55).

From the list of variant readings, it is obvious that A and B usually stand together against C and D and other manuscripts:

	Group I: CD & KER etc.	*Group II: AB*
22	berjabatan/berjaitan	bernama/berjawatan
87	dapat	beroleh/boleh
106	derma	dirham
166	upah	upeti
191	sebutkan	simpankan
255	fardu	wajib
406	menuduh	menukas
643	kuasa/dapat	keras
732	acara(m)/cara(m)	cengkeram
894	suka	sesuku
901	ditambat/ditempat	ditempat
904	yang menambat	yang mu^{c}tamadnya
929	pagar	pikir/pekerjaan
971	sama teman	semangat
994	lepas daripada	laparlah
1033	kena tebang belah	kena tiang belah

Text Edition	A	B	C
22 berjabatan	bernama	berjawatan	berjabatan
49 terhimpunlah	terhimpunlah	terhimpunlah	terhimpunlah
87 dapat	beroleh	boleh	dapat
106 dirham	dirham	dirham	derma
166 upah	upeti	upeti	upah
184 menangkap	menangkap	menangkap	dapat
191 sebutkan	simpankan	simpankan	sebutkan
255 fardu	wajib	wajib	fardu
326 kedapatan	kedapatan	kena putang	kedapatan
406 menuduh	menukas	menukas	menuduh
420 akan dia	akan datang	akan datang	akan dia
460 menjabat mimbar	menjabat mimbar	menjabat mimbar	menjadi memberi
579 sepenuh harganya	sepenuh harganya	sepenuh harganya	setengah harganya
612 luka	luka	luka	kaya
615 tua	tuah	tengah	tua
631 kecilnya	—	adapun yang	kurangnya
643 kuasa	keras	keras	kuasa
678 diupah	diupah	diupah	dapat
732 acara(m)	cengkaram	cengkaram	acara(m)
894 suka	sesuku	sesuku	suka
901 ditambat	ditempat	ditempat	ditambat
904 yang menambat	yang mu^{c}tamadnya	yang mu^{c}tamadnya	yang menambat
920 ulur	ulur	olah	olah
929 pagar	pikir	pekerjaan	pagar
971 sama teman	semangat	—	sama teman
975 terpagar	terpagar	terpagar	dibakar
994 lepas daripada	laparlah	laparlah	lepas daripada
1032 sepaha	supaya	sepaha	lima emas
1033 kena tiang belah	kena tiang belah	kena tiang belah	kena tebang belah
1096 cukai kharajat	cuka-cuka atau cukai	buku-buku atau cukai	cukai kharajat
1508 guna	guna	kebun	guna

D	K	E	R
berjabatan	berjabatan	berjabatan	berjaitan (?)
terhimpunlah	terhimpunlah	teramanlah	terhimpunlah
dapat	—	dapat	—
derma	derma	derma	derma
upah	upah	upah	upah
dapat	datang	boleh	menangkap
	menangkap	menangkap	
sebutkan	sebutkan	sebutkan	sebutkan
fardu	fardu	fardu	fardu
kedapatan	kedapatan	kedapatan	—
menuduh	menuduh	menuduh	menuduh
akan dia	—	akan menolong dia	akan tentunya
menjadi	menjabat	—	menjabat
memberi	mimbar		mesjid
setengah	—	seperti	lagi
harganya		perjanjian itu	
kaya	melukakan	melukai	lagi
tua	tul (?)	tuanya	—
gugurnya	kecilnya	kecilnya	kecil-kecil
kuasa	kuasa	kuasa	dapat
dapat	diupah	—	—
acara(m)	cara(m)nya	cengkeram	cengkeram
suka	suka	suka	suka
ditambat	ditambat	ditambat	ditempat
yang	yang	—	—
menambat	menambat		
olah	masuk ulur	hulur	masuk ulur
pagar	—	pagar	pagar
sama teman	s-m-a-t-m-n	—	—
terbakar	terpagar	membakar	terpagar
lepas	lepas	lepas	pulih
daripada	daripada	daripada	daripada
supaya	sepaha	sepaha	sepaha
kena	kena	kena	kena
tebang belah	tiang belah	tiang belah	tiang belah
buku-buku	b-u-k b-a-t-ng-n	buka cukai	buku-buku
atau cukai	atau cukai	kharajat	atau cukai
kharajat	kharajat		
kotanya	—	gunanya (different context)	akulnya (?)

The first group of manuscripts can in turn be subdivided into two groups. CD always share the same readings and even corruptions as against the readings of K, E and R:

	Group I a: CD	*Group I b: KER*
184	dapat	datang/boleh menangkap
420	akan dia	.../akan menolong dia/akan tentunya
460	menjadi memberi	menjabat mimbar/.../menjabat mesjid
579	setengah harganya	.../seperti perjanjian itu/lagi
612	kaya	melukakan/melukai/lagi
631	kurangnya/gugurnya	kecilnya/kecil-kecilnya
678	dapat	diupah/...
920	olah	masuk ulur/hulur
975	dibakar/terbakar	terpagar/membakar
1032	lima emas/supaya	sepaha

Group II may also be subdivided into two groups represented by A and B:

	Group II a: A	*Group II b: B*
22	bernama	berjawatan
87	beroleh	boleh
327	kedapatan	kena putang
615	tua	tengah
631	.....	adapun yang
920	ulur	olah
929	pikir	pekerjaan
1032	supaya	sepaha
1096	buku-buku atau cukai	buku-buku atau cukai kharajat
1508	guna	kebun

The relationship between the sub-group I b manuscripts is not very clear-cut. K shares the readings of sub-group I a in two places (678, 904) and is on the whole still very close to sub-group I a. E in four places has readings very close to sub-group I a (420, 615, 1096 and 1508). However, in three other places, E has entirely different readings (49, 579 and 973). R does not share the readings of sub-group I a at all.

It now remains to make a few remarks about the rest of the manuscripts. We have already mentioned that among the group I manuscripts,

KL. 24, KL. 25 and Cod. Or. 6078 are copies of KL. 45. Cod. Or. 5836 is also very close to KL. 45 and may even be a copy of it. It is, however, very corrupt. For *berjabatan* (line 22), it has *berjambatan*; for *lagi dicemarinya* (305) it has *lagi amarnya*.

As for the group II manuscripts, Klinkert 48, as explained above, is a text edition based on A and B. Regarding the rest, we find that Cod. Or. 5836 and Schoemann V 33, together with B, form a group by themselves and are different from A and the others. They share a large number of errors, dittographies, omissions and lacunae together. For example, they have *kena putang* instead of *kedapatan* (326). However, they also have independent errors not shared by others. For example, B has a dittography after line 210, a repetition of line 211 and 210 which is not shared by Schoemann V 33 and Cod. Or. 5836. B also has a number of scribal errors which are not found in Schoemann V 33 and Cod. Or. 5836, e.g. *jari* for *jauh* (421), *supaya* for *syafa*ᶜ*at* (481) and *dahulu* for *fuduli* (630). Sch. V 33 and Cod. Or. 5836 also have lacunae which B is free from, i.e. the omission of *fasal* 31 and *fasal* 32 in Cod. Or. 5836 and the omission of *fasal* 32 and *fasal* 33 in Sch. V 33. Turning to the remaining manuscripts, we find that Maxwell 10 and Cod. Or. 7077 stand together against A and Cod. Or. 3199 (1): the former two have *berjawatan* instead of *bernama* (22) and also have ᶜ*īyannya* (583) and *seharga* (935) correct instead of ᶜ*ibadatnya* and *seekor* as found in the latter two. Cod. Or. 3199 (1) is a text close to A but it has many deletions. In some places, original words have been erased and replaced by new words.

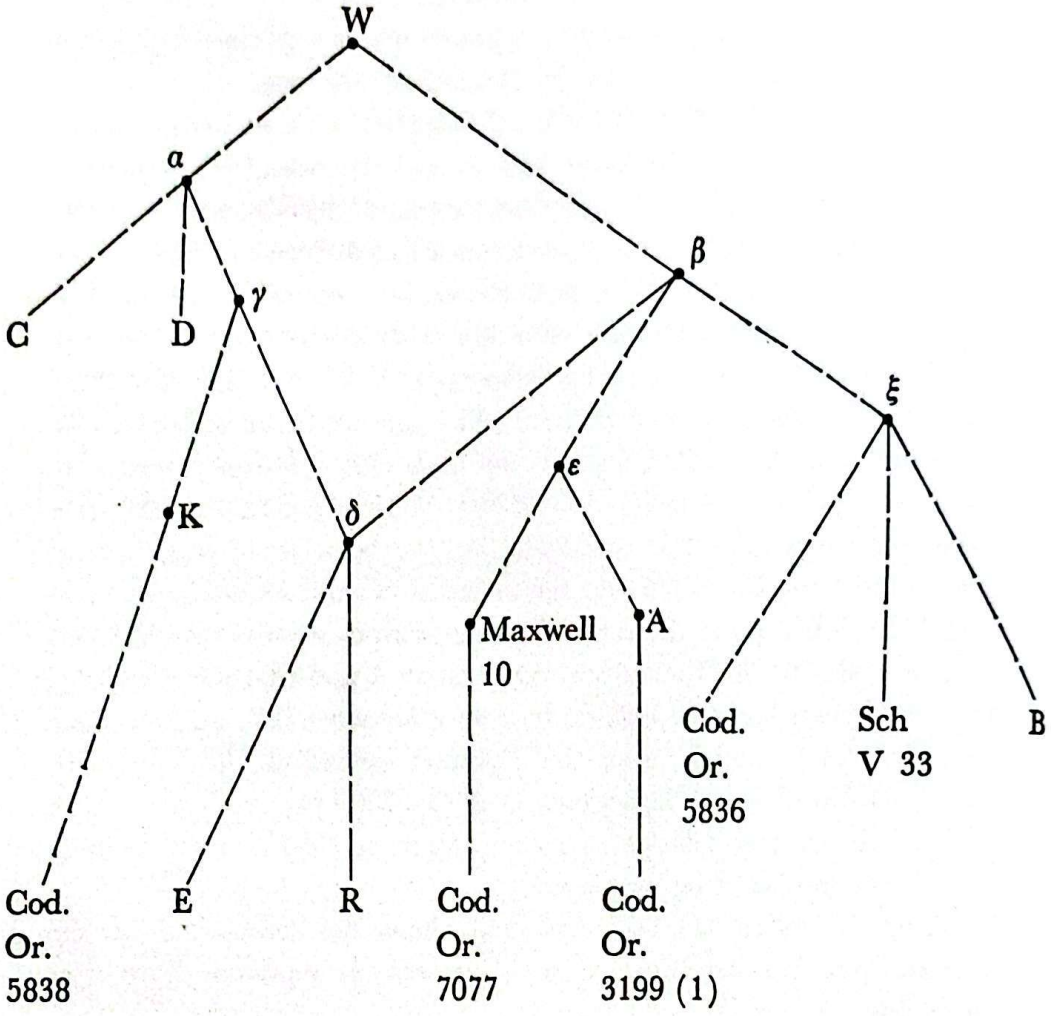
Based on what has been discussed about the relationship of the manuscripts, we can now draw a stemma to represent them (see page 58).

This text edition is based on five manuscripts, namely Cambridge 1364 (C), Dublin 1638 (D), British Museum 12397 (E), Cod. Or. 1705 (1) (A) and Cod. Or. 1706 (1) (B). The text is established, if there is agreement between CD with one outside witness, either A, B or E. It can also be established through the agreement of AB with one outside witness, C, D or E. This is the principle underlying the editing of *fasal* 1-29, excluding *fasal* 25-28.

For *fasal* 25-28, only three manuscripts were used, namely A, B and E, because CD lack these four *fasal*. Here I choose the readings of either AB or E but the rejected readings are all recorded in the apparatus criticus, except scribal errors.

From *fasal* 30 onwards, E has been used for checking purposes only.

A new manuscript, Cod. Or. 1722 (1, 2) (i.e. L) has been collated. K and R have been consulted only occasionally. The principles underlying the editing of *fasal* 1-24 and 29 are generally followed.



These are the general guidelines. As textual criticism is an art as well as a science, I have on many occasions let myself be dictated by "common sense". By "common sense" I mean the readings that best suit the context. So on seven occasions I have adopted the readings of a single witness against the rest of the witnesses, i.e.:

241	*ditampar ᶜabdi,* reading of E;
403	*jikalau ghair muḥṣan,* reading of B;
571	*sepenuh-penuhnya,* reading of E;
580-2	*segala ... tuannya,* reading of E;
1046	*harga,* reading of C;
1049	*lima depa,* reading of E;
1052	*pertama-tama,* reading of E.

On ten other occasions, I have emended the text by adding words or sentences that are required by the sense.[4] Some are conjectural additions, others are readings taken from other manuscripts consulted, i.e.:

68 *jikalau ada dengan nugraha raja-raja akan dia* (conjectural addition);
671 *yang dibunuh itu mati* (conjectural addition);
821-2 *tahu raja ... tiada* (addition from R);
1026-7 *ada hartanya, hanya beras* (conjectural addition);
1235 *dan* (conjectural addition);
1238 *dan* (conjectural addition);
1300 *jika laki-laki ... beristeri perempuan* (addition from KL. 20);
1343 *tiada sah berniaga* (conjectural addition);
1378 *dengan* (addition from R);
1943 *dengan anak isterinya menanggung* (emendation based on E).

Rejected readings, if supported by more than one witness, are usually registered in the apparatus criticus. Variant readings supported by one single witness, with the exception of E from *fasal* 24-9, are not normally entered in the apparatus criticus. However, a cursory reading of the apparatus criticus will show that I have also on several occasions registered the readings of a single witness, if I deemed them important variants.

In the transcription, the new spelling system has been used with slight modification, i.e. *ᶜain* is transcribed as ᶜ in words like *taᶜat* or *raᶜyat* instead of abolishing it altogether, e.g. as in *taat*; or substituting it with k, as for instance in *rakyat*. For the transcription of Arabic words that have not become common usage in Bahasa Malaysia/Indonesia, the system of the *Encyclopaedia of Islam* has been followed as far as possible.

In the Malay text, words between < > are emendations; words between [ ] are to be deleted though occurring in the text(s); those between ( ) are conjectural additions.

NOTES

CHAPTER I

1 Winstedt (1945), p. 17.
2 Winstedt (1953a); Winstedt & De Josselin de Jong (1954). The present writer has studied several Minangkabau manuscripts kept in the Museum Pusat in Jakarta for his M.A. thesis at the University of Indonesia, Jakarta 1965. Part of the text was later published in Singapore. See Liaw Yock Fang (1967).
3 See Chapter II for an evaluation of the study.
4 Kempe & Winstedt (1952).
5 Meursinge (1844). *Mir'at aṭ-ṭullāb* was compiled by ᶜAbdu'r-Ra'ūf of Singkel (1615-1693) based on Syaikh Zakarīyā' al-Anṣārī's *Fatḥ al-Wahhāb.*
6 Winstedt (1945), p. 20.
7 Lady Raffles (1835), Vol. I, p. 100.
8 This translation, together with many other articles on Malay customs and laws, was republished later in Adatrechtbundel, Vol. XXVI, 1926.
9 Hooker (1970), p. 56.
10 The *Undang-undang Melaka* consists of six sections. The last section is on Johore Law. See Chapter III.
11 Winstedt & De Josselin de Jong (1965).
12 For the conditions required, see lines 732-7 of the present edition.
13 See further Chapter II.
14 Kempe & Winstedt (1952).
15 Hooker (1972), p. 63.
16 Teeuw & Wyatt (1970).

CHAPTER II

1 This seems to be the Maulana Sadar Jahan mentioned in SM, see Teeuw & Situmorang (1952), pp. 271-3; 295, 297. De Josselin de Jong (1961), p.18, p. 57.
2 Kempe & Winstedt (1948), pp. 58-9.
3 Unpublished.
4 I came to know of the existence of these two manuscripts through the notes of the late Mr. H. W. Emanuels sent to me by Professor Teeuw.
5 Mohd. Taib Osman (1972), pp. 60-83.
6 Teeuw & Situmorang (1952), p. 83.

CHAPTER III

1 Sultan Muhammad Syah (1424-1444). See SM, Brown, pp. 44-5; Teeuw & Situmorang, pp. 83-4.

2 This is a Malay translation of Arabic *ijtamaᶜa fī*.
3 Winstedt & De Josselin de Jong (1956), pp. 28-31.
4 *At-Taqrīb* by Abu Shujāᶜ (d. 593/1196) was twice translated into French, first by S. Keyzer in 1859 and later by G. H. Bousquet in 1953. The text itself was also published by E. Sachau together with a German translation (1897).
5 Abu Shujāᶜ, Arabic text, p. 17 no. 6.
6 Abu Shujāᶜ, Arabic text, p. 22 no. 21.
7 *Fatḥ al-Qarīb fī sharḥ alfāẓ at-Taqrīb* by Ibn Qāsim al-Ghazzī (d. 975/1512) was published with a French translation by L. W. C. van den Berg in 1895.
8 Ibrāhīm al-Bājūrī's *Ḥāshiya* has been translated into German (omitting chapters on religious matters) by E. Sachau (1897). Ibrāhīm al-Bājūrī died in 1276/1860.
9 Sultan Muzaffar Syah (1445-1458); see SM (Raffles 18, p. 92; Teeuw & Situmorang, p. 97; Shellabear, p. 74).
10 Winstedt (1953b), p. 32.
11 Roolvink (1967), pp. 301-24.
12 De Josselin de Jong (1961), p. 31, p. 72.
13 Logan, *JIAEA* (1855), pp. 71-95. Republished in Hooker (1970).
14 Newbold (1839), Vol. II, pp. 235, 237, 239-43, 251, 277-9, 281, 285, 290, 304, 309-11.
15 This court officer is commonly known as *Hang Sidi Ahmad,* which I do not think is a correct reading. The best manuscript of this text has: *yang sida-sida Ahmad.*
16 Winstedt, *loc. cit.*
17 There must be a case of mistaken identity here. This Sultan cannot be Sultan Mahmud (1488-1511, -1528), the last Sultan of Malacca, even though the latter also bore the title of al-Ghazi and was known to have punished some Portuguese prisoners. Neither can he be Sultan Mahmud Syah II (1685-1699). The year 1203 H (1788) seems to indicate that this Sultan might be Sultan Mahmud Syah III (1761-1812), son of Sultan Sulaiman ibn Sultan Abdul Jalil Rahmat Syah (1722-1760). In the process of copying 'ibn Sultan Sulaiman' was left out and he became the son (ibn) of Sultan Abdul Jalil Syah. This Sultan Sulaiman was the same Sultan Sulaiman whose name is mentioned in the "long" version of the Undang-undang Melaka.
18 Shellabear (1898), pp. 113-5; (1901), pp. 79-83. Van Ronkel (1896), pp. 22-25.
19 Van der Tuuk (1861), s.v.

CHAPTER V

1 KL. 24, KL. 50 and Cod. Or. 6078 are mere copies of KL. 45; Paris no. 37 is a copy of Cambridge 1364, (C). KL. 48 is a combination of A & B.
2 Ras (1968), pp. 218-23.
3 Reynolds & Wilson (1968), p. 155.
4 Here I am following a rule reiterated by Houseman and quoted by Reynolds & Wilson in their book mentioned earlier: "the prime requisite of a good emendation is that it should start from the thought; it is only afterwards that other considerations ..... are taken into account .....".

PART TWO

TEXT

0.1 Bismi 'llāhi 'r-raḥmāni 'r-raḥīm. Al-ḥamdu li 'llāhi rabbi 'l-ᶜālamīn wa'l-ᶜāḳibatu li'l-muttaḳīn. [1]Wa 'ṣ-ṣalātu wa 's-salāmu ᶜalā rasūlihi sayyidinā[2] Muḥammad wa ālihi wa ṣaḥbihi ajmaᶜīn[1].

<[3]Ammā baᶜdu, hādhā risālah fī bayān ḥukm al-ḳānūn fī bilād al-malik al-kabīr wa wuzarā'ihi. Wa baᶜdahu[3],> adapun kemudian daripada itu, maka inilah suatu risalat[4] pada menyatakan[5] hukum[6] kanun ya'itu pada segala negeri yang besar-besar dan pada segala raja-raja yang besar-besar dan [7]wazir dan pada ᶜadat yang taᶜluk[7] dan dusun supaya manfaᶜat atas negeri dan raja-raja. Maka hendaklah raja-raja itu menjadikan orang besar-besar akan gantinya, supaya tiada datang masghul kepadanya.

Adapun pada segala raja-raja itu, pertama-tama menjadikan bendahara, kedua menjadikan temenggung, ketiga menjadikan [8]penghulu bendahari[8], keempat menjadikan syahbandar, maka terpeliharalah segala raja-raja itu dengan segala raᶜyatnya. [9]Adapun maka dibahagi hukum itu atas tiga bahagi. Pertama pada bendahara, kedua pada temenggung, ketiga pada syahbandar[9].

Adapun hukum yang diserahkan kepada bendahara itu, seperti hukum orang yang berjabatan[10] dan segala tuan-tuan dan segala sida-sida dan segala anak orang besar-besar.

Adapun hukum[11] yang diserahkan kepada temenggung itu barang yang dihukumkan di dalam negeri seperti tafahus-menafahus[12] dan seperti tangkap-menangkap orang yang jahat di dalam negeri itu.

Adapun hukum yang diserahkan kepada syahbandar

PART TWO

TRANSLATION

Introduction

0.1 In the name of God, the Compassionate, the Merciful. Praise be to God, the Lord of the Worlds and good fortune to those who trust in God. And prayers and peace for his Messenger, our Lord Muhammad, and his family and his friends altogether.

Now following that (salutation), this is a treatise on the *Kanun* law (adhered to) in all large lands and by all great rulers and their viziers and on the customs in the dependent areas and villages, in the hope that it will benefit the land and the rulers.

Every ruler must appoint high dignitaries to act on his behalf so that he need not concern himself (with trivial matters).

Every king must, in the first place, appoint a Chief Minister (*Bendahara*), secondly, a Police-Chief (*Temenggung*), thirdly, a Treasurer (*Penghulu Bendahari*) and fourthly, a Harbour-master (*Syahbandar*), (and if he does so) both the ruler and his subjects can live in peace and security.

The law is divided into three divisions, firstly, that of the Chief Minister; secondly, that of the Police-Chief; and thirdly, that of the Harbour-master.

The Chief Minister is given jurisdiction for instance over those who are holding office, and those who rank as *tuan*, the *sida*[2] (Court-officers) and the children of high dignitaries.

The Police-Chief is given jurisdiction over crimes committed in the country and (matters) such as the investigation (of crime) and the apprehension of criminals in the land.

The Harbour-master is given jurisdiction over all matters concerning

itu ya'itu menghukumkan segala dagang dan anak yatim dan segala yang teraniaya dan ᶜadat[13] segala jung dan baluk dan barang sebagainya.

Adapun ketahuilah olehmu[14] sekalian akan ᶜadat ini turun temurun daripada zaman Sultan Iskandar Dhu'l-Ḳarnain yang memerintahkan segala manusia datang [15]kepada zaman puteranya Sultan Iskandar Syah. Ialah raja yang pertama menyusuk negeri Melaka. Ialah yang bergelar Sultan Mahmud Syah ẓillu 'llāhi fī 'l-ᶜālam. Ialah raja yang pertama masuk agama Islam dan meletakkan ᶜadat perintah raja-raja dan perintah segala orang besar-besar dan meletakkan hukum dan perintah negeri lalu turun kepada baginda Sultan Muzaffar Syah dan turun kepada baginda Sultan Mansur Syah dan turun kepada baginda Sultan ᶜAla'u'd-Din Riᶜayat Syah dan turun kepada putera baginda Sultan Mahmud Syah, khalīfatu'l-mu'minīn, ẓillu'llāhi fī 'l-ᶜālam. Ialah yang mempunyai ᶜadat dan hukum dan perintah datang[15] sekarang ini. Maka adalah iaitu akan teladan ganti raja-raja pada hal memerintahkan segala ᶜadat [16]yang tersebut[16] ini, terhimpun[17] pada segala menteri.

Maka dihimpunkan hukum ini atas [18]barang patutnya yang dihukumkan[18].

1.1 Fasal yang pertama pada menyatakan ᶜadat majelis[1] segala raja-raja dan pakaian segala raja-raja [2]dan segala larangan raja-raja itu[2], maka dipakai oleh segala raᶜyat. Ketahuilah olehmu bahwa tiada harus memakai[3] seperti kekuningan dan kepada segala orang besar-besar sekalipun, jikalau tiada dengan anugraha[4] raja-raja, maka iaitu dibunuh hukumnya. Dan demikian lagi tiada dapat memakai kain yang nipis berbayang-bayang seperti khasa(h) pada balai raja-raja atau [5]pada pagar[5] raja-raja itu melainkan dengan kurnia titah raja [6]atau diluar[6] boleh dipakai. Jikalau lain daripada itu niscaya dicarikkan atau ditolakkan hukumnya. Dan demikian lagi memakai hulu keris emas seperti [7]merubi dan

foreign merchants, orphans and all who have suffered injustice and furthermore, the regulations pertaining to junks, cargo-boats and other vessels.

Let it be known to you that these customs have come down to us from the time of Sultan Iskandar Dhul-Karnain who ruled over mankind till the time of his son, Sultan Iskandar Syah. He was the first ruler to open up the land of Malacca, bearing the title of Sultan Mahmud Syah, the Shadow of God on Earth. He was the first ruler to embrace Islam and to codify royal customs and rules, and rules pertaining to high dignitaries. (It was he too) who laid down the laws and rules of the land, handed down through the generations to His Majesty Sultan Muzaffar Syah, and then to H.M. Sultan Mansur Syah, and then to H.M. Sultan Ala'u'd-Din Ri^{c}ayat Syah, and then to H.M.'s son, Sultan Mahmud Syah, the Caliph of the Faithful, the Shadow of God on Earth. It is he who has the highest authority with regard to these customs and rules (of law) until the present day. May these laws serve as an example for those who act on the ruler's behalf in administering these (above-mentioned) rules which have been compiled in the office of every minister.

These laws are collected together to deal with matters which should be brought to court.

Chapter 1. On the Custom and Regulations and Attire of Rulers and all the Royal Prohibitions which are to be observed by the Subjects.

1.1 Let it be known to you that you are not to wear, for example, (articles of) yellow colour, and even in the case of high dignitaries, the punishment (for this offence) is death, unless there is royal permission. Likewise, thin and transparent materials such as *khasah* etc. are not to be worn in the royal hall or in the royal compound unless there is royal permission or (if) outside (the royal compound), they may be worn. Other than that, (the clothes) will certainly be torn to pieces and (the offender) ostracized (from society). Similarly, krises with a gold handle such as *merubi* kris and *bawang se-bongkol* kris are

bawang sebongkol[7]. Itupun tiada dapat dipakai oleh orang keluaran, jikalau tiada dengan nugraha raja akan dia. [8](Jikalau ada dengan nugraha raja-raja akan dia)[8], maka dapat dipakai. Jikalau ada orang yang memakai dia, hukumnya dirampas.

Adapun yang dapat memberi anak cucunya memakai hulu keris emas itu melainkan bendahara juga, yang lain daripada itu tiada dapat memakai dia.

1.2 Adapun segala syarat hamba raja itu atas tiga perkara: suatu benar kepada barang af[c]alnya[9], kedua menurut barang[10] titah rajanya, mau ia zalim, [11]mau ia tiada[11], [12]farḍu menurut titahnya[12]. Ketiga ada ia mengharapkan ampun tuannya.

1.3 Adapun syarat segala raja-raja itu atas[13] empat perkara : pertama ampun, kedua murah, ketiga perkasa, keempat melakukan hukumnya dengan kaharnya. Itulah sifat segala raja-raja itu pada zaman dahulu kala turun temurun datang sekarang. Inilah kanun namanya.

2.1 Fasal yang kedua pada menyatakan hukum bahasa segala raja-raja itu lima perkara yang tiada dapat[1] kita menurut kata ini melainkan [2]dengan titah tuan kita juga, maka dapat[2]. Pertama titah, kedua patik, dan ketiga murka, keempat kurnia, kelima nugraha. Maka segala kata ini tiada dapat [3]dikatakan oleh kita sekalian[3]. Dan jikalau hamba raja mengatakan dia, dibunuh hukumnya. Dan jikalau orang lain berkata demikian itu, digocoh hukumnya. [4]Adapun berpatik dan bertitah dan murka itu dan kurnia itu, tiada dapat kita mengatakan pada seseorang pun melainkan bahasa itu tertentulah kepada raja-raja juga. Adapun jikalau seseorang dinugrahakan, itupun harus berpatik dan bertitah dan murka melainkan dengan titah tuan juga, maka dapat. Adapun jikalau tiada dengan anugraha itu, dibunuh hukumnya[4].

2.2 Demikian lagi pada hal menjunjung duli, itupun dibunuh, jikalau tiada dengan anugraha itu. Demikianlah[5]

not to be worn by the common people without royal permission. (If there is royal permission), then they may be worn. If people wear them, the rule is to confiscate (the kris).

It is only the Chief Minister who may allow his descendants to wear a kris with a gold handle. People other than those (mentioned above) are not to wear it.

1.2 The qualities required of a ruler's subjects are three in number. Firstly, (he is to be) honourable in all his behaviour; secondly, (he) abides by the commands of the ruler; whether he (the ruler) is tyrannical or not, he (the subject) shall follow his commands; thirdly, he desires mercy from his Lord.

1.3 The qualities required of a ruler are four in number. Firstly, (he is) merciful; secondly, (he is) generous; thirdly, (he is) courageous; and fourthly, (he is) able to give his verdict decisively. These are the qualities (required) of a ruler from time immemorial until the present day. This is what is understood by *kanun* law.

Chapter 2. On the Language Rules of the Rulers.

2.1 There are five words which we are not to use unless it is by the command of our Lord, then we can (use them). First, *titah* (command); second, *patik* (I, me); third, *murka* (wrath); fourth, *kurnia* (royal grace); (and) fifth, *nugeraha* (royal bounty). All these words are not to be used by any of us. A subject of the ruler who utters them shall be put to death. Other people who use them, shall have their mouth pummelled.

Words like *patik, titah, murka, kurnia* are not to be used in addressing anyone. (The use of these words) is to be confined to royal persons. A person who has been granted royal permission, may use *patik, titah, murka* but only with an express command from his Lord, then (he can) use them. If there is no royal bounty-grace, the punishment is death.

2.2 In like manner, those exercising royal commands shall also be put to death, if there is no royal permission. This is also (the punish-

berbuat surat titah itu. Dan demikianlah ᶜadat hamba[6] kepada tuannya, supaya bermulia[7] tuannya pada hukum kanun.

3. Fasal yang ketiga pada menyatakan hukum segala raᶜyat mati dan orang besar-besar dan orang yang mulia-mulia tiada dapat berpayung dan berpuadai dan mengambur[1] dirham[2] itu melainkan dengan nama anugraha, maka dapat. Jikalau tiada dengan nama anugraha, dirampas hukumnya itu.

Demikian lagi bertilam beralas kuning atau batang bantal kuning atau sapu tangan kuning, maka iaitu hukumnya dicarik-carik oleh segala yang melihat dia itu, suatupun tiada perkataannya lagi. Itulah majelis segala raja-raja itu, baik[3] diketahui oleh segala raᶜyat dan segala sakai bala tentara sekalian itu akan perintah martabat kemuliaan raja-raja itu supaya jangan[4] kena murka raja-raja akan kamu sekalian itu.

4. Fasal yang keempat pada menyatakan hukum negeri dan anak sungai dan dusun yang taᶜluk pada negeri itu. Adapun yang pertama pada menyatakan orang berbunuh-bunuhan [1]atau membunuh[1] atau menikam atau menetak orang atau memukul orang atau merampas atau mencuri harta orang atau menuduh atau berdustakan hakim atau berjual titah, atau menyangkal titah raja, itupun salah, [2]dibunuh hukumnya pada hukum kanun[2].

5.1 Fasal yang kelima pada menyatakan orang membunuh dengan tiada setahu raja-raja atau orang besar-besar. Jikalau dibunuhnya dengan tiada[1] dosanya sekalipun, [2]dibunuh pula ia pada hukum Allah, maka ᶜadil namanya[2].

5.2 Adapun yang membunuh tiada setahu raja dan menteri itu atas empat perkara. Pertama membunuh madu[3], kedua membunuh orang yang angkara, [4]tetapi hendaklah ia di-tangkap dahulu, maka dibawa kepada hakim, akan ᶜadatnya

ment) for forging a (ruler's) letter of command. These rules are to be observed by the subject towards his Lord so that his Lord will enjoy honour and respect according to the *kanun* law.

Chapter 3. On the funeral obsequies of subjects, high dignitaries, and people of noble birth.

3. (On this occasion), one is not to use parasols and the *puadai* or to throw away money, unless there is royal permission, then one may. If there is no royal permission, (the article) shall be forfeited.

Similarly, using yellow pillows, or yellow handkerchiefs (is also forbidden), to wit, it will be torn to pieces by whoever witnesses its use, and no legal proceedings will be taken. These are the regulations of rulers: it is well for all the subjects, the *sakai* and the fighting men to know the rules and regulations concerning the privileged position of rulers so that the ruler's wrath may not be inflicted upon you.

Chapter 4. On the Law of the Land, the remote rural districts and the villages that are subjected to the Land.

4. In the first place, the law declares that people involved in killing one another, murder, or stabbing or slashing or beating people, or robbing or stealing others' property or accusing (people) or lying to the judge, or forging and counterfeiting the royal seal or defying royal commands are all culpable and shall be sentenced to death according to *kanun* law.

Chapter 5. On killing without the knowledge of the rulers and high dignitaries.

5.1 Even if he kills without any fault (on his part, i.e. if he is provoked), he is to be put to death by the law of God. This is what is understood by *ᶜadil* (justice).

5.2 To kill without the knowledge of the ruler and ministers (is pardonable) under four circumstances. First, the killing of a paramour, second, the killing of a ruffian; but one must first try to arrest him and then bring him to justice, then it is customary to fine him (the

setahil sepaha. Jikalau tiada tertangkap, karena ia
dengan makarnya, maka patutlah ia mati[4]. Ketiga membunuh
orang mencuri yang tiada dapat ditangkap. Keempat membunuh
orang yang memberi ᶜaib seperti menampar orang atau barang
yang memberi ᶜaib besar; itupun jikalau belum sampai
kepada menteri. Maka jikalau sudah sampai pada menteri,
maka diperbuat juga, maka [5]ia didenda[5] sepuluh tahil
sepaha, inilah hukumnya.

5.3 Adapun jikalau[6] membunuh madunya, maka ia lari
ke dalam kampung orang, maka diikutnya[7] oleh empunya
madu itu, maka berkelahi ia[8] dengan yang empunya kampung
itu, maka jikalau ia melawan, maka terbunuh yang mengikut
itu, mati saja [9]tiada dengan[9] hukum lagi. Itulah ᶜadatnya
negeri, tetapi[10] pada hukum Allah[11], yang membunuh itu di-
bunuh juga hukumnya, karena menurut dalil Ḳur'ān dan menurut
amr bi'l-maᶜrūf wa nahy ᶜani'l-munkar[12].

5.4 Adapun segala orang yang membawa titah [13]raja
itu, maka ia mengambil isteri orang yang beredakan laki-
laki itu, maka tiada dapat dibunuh oleh lakinya. Jikalau
dibunuhnya[13], durhakalah ke bawah duli Sultan, maka
harus dibunuh pula hukumnya atau kena didenda atasnya
sekati lima tahil. Inilah ᶜadatnya.

6.1 Fasal yang keenam pada menyatakan hukum segala
orang yang mengamuk itu, ᶜabdi atau orang berutang-utangan
orang. [1]Jikalau tiada tertangkap, maka dibunuh ia, tiada
perkataannya lagi[1]. Maka[2] jikalau sudah [3]tertangkap ia,
tiadalah dapat kita membunuh dia lagi[3]. Jikalau dibunuh
[4]juga ia[4], dengan tiada setahu menteri dan raja [5]hukumnya
dibunuh pula, karena ᶜadat orang yang sudah tertangkap
terikat itu melainkan raja dan menteri juga yang empunya
perintah[5], jikalau pada [6]teluk rantau negeri sekalipun,
demikian juga ᶜadatnya[6].

6.2 Adapun ketahui olehmu bahwa[7] syarat menteri itu
enam perkara : pertama menafaus salah benar raᶜyat; kedua

ruffian) 1¼ *tahil*. If he cannot be arrested and is dangerously cunning, then it is fitting that he should be executed. Third, the killing of a thief who cannot be captured. Fourth, the killing of a person who brings disgrace on others, for instance, (by) slapping someone or by any other humiliating act, that is, if (the case) has not reached the ministers. If it has reached the ministers, and he (the killer) still does the same, he (the killer) shall be fined 10¼ *tahil*. This is the law.

5.3 Concerning the killing of a paramour: if he (a paramour) runs into someone's compound and is pursued by the husband, whereby the latter is involved in a fight with the owner of the compound: If he (the owner of the compound) resists him and the pursuer is killed, the latter simply dies and there shall be no litigation. This is the custom of the country. But according to the law of God, he who kills shall also be killed. For this is in accordance with what is stated in the Quran and is in pursuance of (its teaching): (God bids us) to do good, and forbids us to commit sin.

5.4 Concerning a person who is under the ruler's order: if he takes someone's wife who accepts him willingly, he cannot be killed by the husband. If he (the husband) does kill him, he (the husband) is guilty of high treason against His Majesty the Sultan and may be sentenced to death or fined one *kati* and five *tahil*. This is the custom.

Chapter 6. On the rules governing people who run amuck, be they slaves or debt-slaves.

6.1 If he (who runs amuck) cannot be arrested and is killed (by someone), no legal action can be taken against him (the killer). Once he is arrested we may no longer kill him. If he is still killed without the knowledge of the minister or the ruler, the penalty is death (for the killer), because it is the ancient custom that people who have been arrested and bound are under the jurisdiction of the ruler and his ministers, even if (the crime is committed) in the remotest corner of the country, such is the custom.

6.2 Let it be known to you that a minister must meet six requirements. First, be able to investigate whether a subject is guilty or not; second,

tahu ia hukum; ketiga tahu ia mengambil upah[8]; keempat menengar kata kedua pihak; kelima tahu ia budi tatkala ia menjatuhkan hukum itu dengan keras perangainya; [9]keenam hendaklah [c]arif kepada siasatnya dan periksanya[9].

Adapun jikalau sudah luka orang yang mengamuk itu, maka tertangkap, lalu dibunuhnya, kenalah denda setahil sepaha juga. Adapun jikalau lukanya itu tersangat, maka dibunuhnya pula, tetapi dengan[10] setahu raja dan menteri, sekadar belanja turun mayat itu juga akan dendanya itu.[11]

6.3 Adapun yang tiada dapat diampuni oleh segala hakim itu atas tiga perkara. Pertama[12] dosa membunuh orang; kedua dosa mengambil isteri orang; ketiga orang yang maharajalela [13]barang kelakuannya[13]. Itulah yang tiada dapat segala menteri mema[c]afkan[14] dia, melainkan raja juga yang dapat mengampuni dia. Adapun akan dosa yang lain daripada itu dapat menteri mengampuni dia segala manusia yang salah itu.

6.4 Adapun jikalau hamba orang[15] itu hendak[16] membunuh tuannya, maka orang lain itu menangkap[17] dia, harus dibunuh; itupun jikalau[18] jauh tempatnya lagi tiada ia kuasa menangkap[19] dia[20]. Adapun jikalau dekat, maka ditangkapnya, lalu dibunuhnya akan dia, kenalah denda akan dia lima tahil sepaha, karena taksirnya tiada dengan setahu menteri[21]. Maka jikalau sudah luka payah[22], maka lalu dibunuhnya, tiadalah salahnya lagi. Itulah hukumnya [c]abdi itu. [23]Demikianlah kami sebutkan[23] pada hukum kanun itu. Demikian lagi kias atas negeri atau anak sungai pun tiada bersalahan lagi.

7.1 Fasal yang ketujuh pada menyatakan [1]hukum merdehika membunuh [c]abdi orang. Adapun jikalau hamba raja dibunuh orang[1], maka kena denda tujuh kali tujuh. Jikalau ia [2]tiada dapat tertangkap, akan lepas lakunya itu, maka[2] dibunuh hukumnya. Jikalau tiada dibunuh, menjadi ulur ke bawah duli raja [3]orang yang melepaskan itu. Adapun hukum yang mengatakan[3] tujuh kali tujuh itu,

to know the law; third, to know how to solve disputes (arising out) of the taking of employment; fourth, to hear both parties; fifth, to be humane, even at the time of giving severe punishment; and sixth, to know (how to conduct) an investigation properly.

If a person who runs amuck has been wounded, arrested, then killed, a fine of 1¼ *tahil* shall be incurred by the killer. But if he is seriously wounded, then killed, but with the knowledge of the ruler and his minister, only the funeral expenses shall be incurred.

6.3 (The offences) that cannot be pardoned by the judges are three in number. First, the offence of killing a human being; second, the offence of taking away somebody's wife; and third, (the offence of) behaving like a despot. All these offences cannot be pardoned by a minister but only the ruler (himself) can do so. With regard to other offences, a minister can grant pardon to the culprit.

6.4 If a slave intends to kill his master and is seized by another person, he (the slave) may be killed: this applies only if the incident occurs faraway and he (the other person) is unable to arrest him (the slave). But if it is nearby and he (the slave) has already been arrested, (and is) then killed, a fine of 5¼ *tahil* shall be incurred, (the killer) being held negligent because he did not inform the minister. But if he (the slave) has been seriously wounded, then killed, no offence has been committed. Such is the custom regarding slaves. And so did we mention in the *kanun* law. On the basis of analogy, the same (rule) applies to (every part of) the country and the (districts of) tributary streams without any difference.

Chapter 7. On the rules concerning a free man who kills someone's slaves.

7.1 If a royal slave has been killed, (the killer) shall be fined forty nine times (the value of the slave). If he (the killer) cannot be arrested and is apparently trying to escape, he must be put to death (on the spot). If he is not executed, he who sets him free shall become a slave of the ruler. The law which mentions "seven times seven" is in

sekadar amar raja-raja juga, sesungguhnya tujuh kali juga. Dan jikalau [4]orang besar-besar[4] membunuh hamba raja, didenda ia sekati lima. Adapun jikalau ada dengan salahnya itu, tiadalah ada perkataannya lagi.

7.2 Adapun jikalau ia mencuri, maka tertangkap lalu[5] dibunuhnya, maka kenalah denda akan dia setengah harganya, dan setengah akan menteri dan setengah[6] akan tuannya, karena taksirnya tiada dengan setahu menteri. Adapun pada hukum Allah orang yang mencuri itu tiada harus dibunuh, melainkan dipotong[7] tangannya.

7.3 Adapun hukum hamba raja, jikalau ia mencuri, maka ditangkap, lalu dibunuhnya, maka didenda akan dia sepuluh tahil sepaha. Adapun jikalau waktu ia mencuri itu dibunuhnya, suatupun tiada [8]perkataannya lagi[8].

Adapun jikalau pencuri itu lari, maka diturutnya oleh orang yang empunya harta itu, [9]maka dapat[9] : jikalau pencuri itu melawan, maka terbunuh olehnya, mati pencuri itu, mati saja tiada perkataannya[10] lagi. Adapun jikalau tiada ia melawan, maka dibunuhnya, hukumnya mengganti[11] dengan orang itu [12]sepenuh-penuhnya dengan yang benar. Adapun merdehika membunuh [c]abdi itu mengganti[12] setengah harganya itu. Adapun jikalau benar hamba orang itu [13]tiada dosanya, maka dibunuhnya[13], maka kenalah ganda[14] hukumnya[15].

8.1 Fasal yang kedelapan pada menyatakan menetak orang. Jikalau [c]abdi menetak merdehika, maka iaitu masuk ulur. Adapun jikalau merdehika menetak [c]abdi, kenalah denda setengah harganya. Jikalau[1] ia miskin, kenalah ia sepuluh emas akan dendanya itu.

8.2 Adapun jikalau [c]abdi menampar merdehika, hukumnya dipotong[2] tangannya itu. Adapun jikalau merdehika menampar [c]abdi tiada dengan salahnya, kena lima emas juga hukumnya. Jikalau ia kaya, kena sepuluh emas. Adapun [3]hamba orang itu, jikalau dengan judah mulutnya[3], seperti memaki, maka suatupun tiada salahnya [4]lagi merdehika itu[4].

accordance with the command of the ruler, in practice, it is timed seven only. If a high dignitary kills a royal slave, the fine is one *kati* and five (*tahil*). If the slave (killed) is guilty, (the killer) shall not be prosecuted.

7.2 If he (a slave) steals and is arrested (and) then killed, a fine of half the value (of the slave) shall be incurred (by the killer): half of the amount goes to the minister and the other half goes to the slave's master, because (the killer) is held negligent in failing to inform the minister. But according to the law of God, he who steals ought not to be killed but his hand should be amputated instead.

7.3 If a royal slave steals and is arrested, then killed, (the killer) shall be fined 10¼ *tahil*. If he (the thief) is caught red-handed, and killed, there will not be any further dispute (about the matter).

If the thief tries to escape, then is pursued by the owner of the (stolen) property and is caught: (now there are two possibilities): (1) if the thief offers resistance and is killed by his pursuer, his death is deemed an accident and there will be no further legal action; (2) if he offers no resistance, but still is killed, the law is that (the killer) shall pay the full value of the slave in compensation. If a free man kills a slave, only half the value of the slave is to be paid. If the slave is really innocent and has not committed any crime but still is killed, (the killer) shall be fined twice (the value of the slave).

Chapter 8. Law on slashing people.

8.1 If a slave slashes a free man, he becomes (the free man's) debt-slave. If a free man slashes a slave, he shall be fined half the value of the slave. If he (the free man) is poor, the fine is ten *emas*.

8.2 If a slave slaps a free man, his hand shall be amputated. If a free man slaps a slave without any fault (on the part of the slave), he (the man) shall be fined only five *emas,* if he is rich, ten *emas*. With regard to someone's slave: if he has a wicked tongue, for instance, he abuses people, it is not an offence for a free man (to slap him).

Adapun jikalau [5]merdehika menampar [c]abdi[5], maka ditikamnya oleh [c]abdi itu, mati merdehika itu, suatupun tiada salahnya. Tetapi pada hukum Allah, yang membunuh itu dibunuh pula[6] hukumnya, maka [c]adil namanya. Adapun jikalau[7] merdehika [8]ditampar [c]abdi[8], maka ditikamnya mati[9], [10]serta ada syaksinya[10], tiadalah perkataannya lagi[11].

Adapun jikalau [c]abdi menampar samanya [c]abdi, maka kenalah dendanya setengah harganya. [12]Demikianlah hukumnya[12], mau laki-laki, mau perempuan, dengan tiada bersalahan [13]pada hukum kanun[13]. Adapun pada hukum Allah, menampar itu ditampar juga balasnya, maka [c]adil namanya.

8.3 Adapun hukum orang memaki orang : jikalau [c]abdi memaki merdehika, digocoh hukumnya atau ditanggalkan giginya[14], itulah hukumnya. Adapun jikalau merdehika memaki isteri [c]abdi, tiadalah lagi salahnya [15]pada [c]adatnya[15], karena hukum anak isteri itu tiada dapat dipermudah-mudah [16]pada hukum kanun[16]; tetapi kepada hukum Allah bersalahan: yang[17] membunuh itu, farḍu[18] dibunuh pula, supaya jangan tertanggung haknya itu kepada kita.

8.4 Adapun hukum[19] menampar dan yang kena tampar itu; jikalau ditikam oleh yang kena tampar itu, mati yang menampar[20] itu, tiadalah salahnya lagi [21]kepada [c]adatnya[21]. Adapun dapat dibunuh yang menampar itu hingga tiga hari lamanya[22]; jikalau lepas daripada tiga hari, tiadalah dapat lagi dibunuh orang yang menampar itu. Apabila dibunuhnya juga, maka didenda akan dia sekati lima, karena lepas daripada [c]adat laki-laki namanya. Adapun pada (hukum) Allah[23] dibunuh juga hukumnya, karena pada Allah ta[c]ala, hak segala manusia itu amat besar atas negeri, itulah [24]hukum kanun namanya[24].

9.1 Fasal yang kesembilan pada menyatakan yang dapat membunuh itu atas empat perkara[1]. Suatu bendahara pada waktu tiada raja atau di dalam anak sungai sendiri harus membunuh dengan tiada titah raja. Kedua temenggung pada

If a free man slaps a slave and is stabbed to death by the latter, no offence is deemed to have been committed. But according to the law of God, he who kills shall be killed so that justice may be done. If a free man, slapped by a slave, stabs the latter to death and there are also witnesses, no legal action can be taken (against the free man).

If a slave slaps another slave, a fine of half the value (of the slave) shall be incurred. This is the law (which applies to all people), whether male or female, and is in accordance with the *kanun* law. But according to the law of God, he who slaps shall be slapped, so that justice is done.

8.3 With regard to punishment for abusing people: if a slave abuses a free man, he shall be pummelled or have his teeth extracted. So is the law. If a free man abuses the wife of a slave (and is killed by the latter's husband), no wrong is deemed to have been committed according to custom, because by *kanun* law, rules pertaining to insults against someone's wife and children should be taken seriously; but according to the law of God, it is different. (The law of God states:) he who kills shall be killed, so that we ourselves shall not have to bear the responsibility of his death.

8.4 Concerning laws pertaining to slapping and being slapped: if (he who slaps) is stabbed to death by the person slapped and dies, no offence (is deemed to have been committed) according to custom. He who slaps can be killed only within three days (following the offence). After that, he can no longer be killed. If he is still killed, a fine of one *kati* and five (*tahil*) shall be imposed, because it is not considered to be in accordance with manly behaviour. But according to the law of God Most High, he will be killed, because with God the rights of human beings rest heavily on the country. This is what is understood by *kanun* law.

Chapter 9. Persons who are allowed to kill fall into four categories.

9.1 First, the Chief Minister in the absence of the ruler or in his (own) territories may kill without royal order. Second, the Police-Chief when

waktu menangkap orang, itupun tiadalah menanti titah lagi, dan ketiga syahbandar tatkala di kuala, barangsiapa tiada menurut katanya pada waktu membawa perahu dan kapal itupun tiadalah lagi dengan titah [2]melainkan mana perintahnya juga[2]. Keempat nakhoda tatkala di laut, dapat ia membunuh tiada dengan titah, karena ia raja pada masa itu. Adapun apabila sudah datang ke negeri, maka dihukumkan ia. Jikalau[3] dibunuhnya itu tiada dengan[4] dosanya, patut [5]dibunuh pula nakhoda itu atau didenda[5] sekati lima.

9.2 Adapun hukum di laut itu atas nakhoda, maka tiada dapat ia membunuh melainkan [6]jika ada ia[6] mengambil isteri orang [7]yang di dalam perahu itu[7], harus ia dibunuh nakhoda itu, tetapi hendaklah segara mufakatkan warisnya akan gantinya. Demikianlah umpamanya.[8]

10. Fasal yang kesepuluh pada menyatakan hukum biduanda[1] orang dan muda-muda orang dan hamba orang dan sakai orang dan hamba raja. Adapun jikalau kita akan pergi berlayar atau mudik sungai, maka kita bawa biduanda orang dengan tiada setahu penghulunya itu, maka mati kena denda seharganya orang yang membawa itu oleh penghulunya. Adapun jikalau ada jauhnya itu sehari semalam perjalanan, maka diberinya ganti. Jikalau empat keruh atau setengah hari perjalanan, tiada mengganti biduanda[2] itu. Adapun yang mengganti itu sehari semalam atau sebulan jauhnya atau kurang sedikit, maka mengganti, karena taksirnya [3]itu, tiada memberi tahu penghulunya[3]. Itulah [c]adatnya negeri[4].

Demikianlah hukum [5]sekalian orang membawa hamba orang[5] yang tiada setahu penghulunya, maka dibawa pergi barang ke mana[6] itu, sekaliannya memberi ganti kepada tuannya. Itulah[7] hukum hamba orang atau biduanda orang itu, tetapi pada hukum Allah tiada mengganti, karena [8]atas segala orang merdehika itu, iaitu sudah dengan kismatnya tiadalah harus kita memberi ganti. Itulah hukumnya[8].

11.1 Fasal yang kesebelas pada menyatakan hukum

arresting people (may also kill) without waiting for a royal order. Third, the Harbour-master, when he is in the estuary, (is allowed to kill) any one who does not obey his orders while sailing a *perahu* or a vessel: (at that time) he does not require a (royal) order but any order of his has to be obeyed. Fourth, a Sea-Captain may also kill without royal order while he is at sea for he himself is a ruler at that time. But when he has arrived in the country (of destination), he shall be tried in court. If (it proves that) he has killed a man who has not committed any offence, it is fitting that the Sea-Captain should be killed or fined one *kati* and five (*tahil*).

9.2 The law at sea is the responsibility of the Sea-Captain. (However) he (the Sea-Captain) cannot kill except (in one case) when he (the offender) has committed illicit intercourse with someone's wife in the same boat, then the Sea-Captain may kill him (the offender). But an agreement should immediately be reached with his (the offender's) heir to get someone to act in his place. This is by way of example.

Chapter 10. Regulations pertaining to different kinds of slaves.

10. If one is going to make a sea-voyage or is going upstream, and takes along with one somebody's slave without the latter's chief being aware of it (and the *biduanda*) dies, the person who takes (the *biduanda*) along shall be fined the value (of the *biduanda*) by the latter's chief. If it is of one day and one night's distance, compensation must be given. If it is four *keruh* or half a day's journey, the *biduanda* ('s death) will not be compensated for. With regard to the compensation (which must be made): (if it is of) one day and night's or one month's distance or slightly less, then compensation must be made, because he (the man who takes with him the *biduanda*) is deemed negligent in failing to inform the *biduanda*'s chief. This is the custom of the country.

Such is the law pertaining to people who take with them someone's slave without the knowledge of his master: no matter where the slave has been brought to, (when he does so) he must give compensation to the slave's master. This is the law pertaining to other people's slaves or *biduanda* but according to the law of God no compensation need be given because every free man is the master of his own lot and one need not pay any compensation. This is the law.

Chapter 11. On people who steal and defile others' compounds.

11.1 If the owner of the compound comes to know (about the thief),

orang yang mencuri [1]lagi dicemarinya[1] kampung orang itu, maka tahu yang empunya kampung itu, [2]maka dibunuhnya[2] atau diturutnya antara dua kampung, maka[3] dibunuhnya, tiada salahnya lagi yang membunuh itu. Adapun jikalau kemudian daripada hari itu, maka bertemu dengan orang yang mencuri itu, maka baharu[4] dibunuhnya, tiadalah [5]sah bunuhnya itu[5] melainkan hukum juga atasnya.

[6]Dan jikalau ia mencuri di dalam rumah, dipotong tangannya hukumnya[6]. Adapun jikalau [7]yang mencuri itu banyak[7], maka seorang sahaja[8] yang naik ke rumah itu, [9]maka seorang itu juga dipotong tangannya[9] dan yang banyak kena ta[c]zīr, artinya [10]dinaikkan di atas[10] kerbau balar, dibubuh bunga raya dan berpayung tudung saji, dicoreng mukanya dengan kapur dan harang dan kunyit, maka dicanangkan berkeliling negeri. Jikalau dapat hak orang itu, [11]maka digantungkan pada lehernya[11]. Jikalau habis [12]dimakannya, tuannya memberi ganti[12]. Adapun jikalau ia merdehika[13] masuk ulur kepada yang empunya harta itu.

11.2 Adapun hukum orang yang mencuri tanaman seperti tebu atau pisang atau sirih dan pinang atau daripada buah-buahan yang lain daripada itu tiada dipotong hukumnya, tetapi jikalau ia kedapatan malam ia mencuri itu, maka ditikamnya oleh yang empunya tanaman itu, mati sahaja, tiadalah lagi perkataannya. Adapun jikalau tahu ia pada siang hari, maka didenda oleh hakim sepuluh[14] emas dan segala[15] yang dicurinya itu digantungkan kepada lehernya, dibawa berkeliling negeri itu. Jikalau habis dimakannya segala buah-buahan itu atau tebu dan pisang[16], maka disuruh ganti oleh hakim [17]kepada yang mencuri tanaman itu harga yang dicurinya itu[17] lagi kena denda sepuluh emas.

11.3 Adapun jikalau orang mencuri perahu, [18]maka sudah dijualnya atau disorokkannya, maka antara itu ada tanda yang nyata atau saksinya yang sah akan kenyataannya ia mencuri itu, maka digantinya harga perahu itu oleh yang mencuri itu kepada yang empunya perahu[18]. Jikalau perahu disewakan oleh tuannya, maka disuruh ganti kepadanya dengan sewanya sekali. Dan akan dendanya orang yang mencuri itu dihukumkan sepuluh emas. Itulah hukumnya segala orang yang mencuri perahu[19].

then kills him (the thief) or pursues him between two compounds, and then kills him (the thief), the killer has committed no offence. But if (the owner of property) meets the thief some days later and only then kills him (the thief), the killing is not legal and (the killer) is liable to prosecution.

He who steals from a house shall have his (right) hand amputated. But if there are many thieves and only one of them breaks into the house, then only that thief's (right) hand shall be amputated. As for the rest, (they will) undergo the *taᶜzīr* punishment, i.e. the offender will be placed on a white-spotted cow, adorned with hibiscus flowers and a dish-cover on his head; his face shall be smeared with lime, charcoal and tumeric, and thus he will be carried around the country while a gong is being beaten (to announce his crime). If the (stolen) property is discovered, it shall be hung around his neck. If the (stolen) property is completely consumed, his master must make amends (to the owner). If the thief is a free man, he becomes a debt-slave of the owner of the property.

11.2 A person who steals agricultural produce such as sugar cane, banana, betel leaf, areca nut or other kinds of fruits, (his right hand) shall not be amputated (according to law), but if he is caught (in the act of) stealing at night and is stabbed by the owner of the agricultural produce, he simply dies and there will be no further prosecution. But if he (the owner) only comes to know about (the theft) the following day, (the thief) shall be fined ten *emas* by the judge and all the stolen property will be hung around his neck and (he will be) carried around the country. If all the fruits, or the sugar cane or bananas have been entirely consumed, (the thief) will be ordered by the judge to pay the value of the stolen property and in addition, he will be fined ten *emas*.

11.3 If a man steals a *perahu* (a boat) then sells it or secretes it (somewhere) but there is clear evidence and competent witnesses to prove his act of theft, he must pay the value of the *perahu* to its owner in compensation. If the *perahu* is kept for hire by the owner, he (the thief) shall be ordered to replace it along with its hire. As for the fine to be paid by the thief, it shall be ten *emas*. This is the law regarding people who steal *perahu*.

11.4 Adapun jikalau orang mencuri kerbau atau lembu atau[20] kambing, jikalau ia di dalam kandangnya dicurinya, maka didendanya setahil sepaha, dan harganya kerbau atau lembu [21]atau kambing yang dicurinya itu dipinta kepadanya berapa patutnya harga[21]. [22]Dan jikalau ia mencuri itu di tengah padang atau di dalam hutan, maka dendanya sepuluh emas dan harganya itupun dibayarnya juga[22].

Adapun jikalau kambing [23]di dalam kandangnya[23] dicurinya, maka tahu yang empunya kambing itu, maka dipintanya oleh hakim harganya kambing itu [24]mana yang patut harganya[24]. Sudah itu, maka didenda sepuluh emas.

[25]Dan jikalau ia mencuri itu di tengah padang atau di dalam hutan, itupun harga kambing itu dipintanya seperti [c]adat harganya itu, maka dendanya lima emas. Adapun jikalau orang mencuri ayam dan itik di dalam rebannya, maka denda akan dia lima emas[25]. Dan jikalau ia [c]abdi yang mencuri itu, maka tuannya memberi ganti [20]pada hukum kanun[26]. Adapun pada hukum Allah [27]orang yang mencuri kerbau lembu dan kambing itu[27] di dalam kandangnya itu sekadar memberi harganya itu juga, hanya tiadalah didendanya lagi atasnya, sehingga memberi ganti. Itulah hukum Allah[28] dihukumkan oleh segala manusia pada segala negeri dan dusun dan anak sungai [29]teluk rantau. Demikianlah [c]adatnya[29].

12.1 Fasal yang keduabelas pada menyatakan hukum segala[1] orang yang menawar anak isteri orang. Adapun jikalau ditawarnya oleh seorang laki-laki [2]isteri orang, maka tahu lakinya, maka diberinya oleh lakinya tahu kepada hakim[2], maka disuruh oleh hakim menyembah lakinya itu di hadapan majelis [3]orang banyak[3]. Jikalau tiada ia mau menyembah, didenda ia sepuluh tahil sepaha, hukumnya itu melainkan tilik hakim juga lagi akan dia. Jikalau dibunuh oleh lakinya, didenda yang membunuh itu lima tahil sepaha, karena ia menawar juga tiada harus dibunuh lagi melainkan yang dapat membunuh itu orang besar-besar juga.

11.4 Concerning a man who steals a buffalo, a cow or a goat: if he steals them from their pens, he shall be fined 1¼ *tahil* and shall be required by the judge to pay a suitable price for the buffalo, cow or goat stolen. If he steals (cattle) in an open field, the fine is ten *emas* and in addition, he must pay the price of the animals.

If a goat is stolen from its pen and the owner comes to know about it (and reports it), the thief shall be required by the judge to pay a suitable price for the goat. And furthermore, he shall be fined ten *emas.*

If he steals (a goat) in an open field or wooded area, then he must also pay the customary price of the goat and a fine of five *emas.* If a man steals poultry from their pens, he shall be fined five *emas.* If the thief is a slave, his master shall pay the compensation in accordance with *kanun* law. But according to the law of God, a person who steals a buffalo, a cow or a goat from their pens, has only to pay the value (of the animals), he shall not be made to pay a fine as long as he pays his compensation. Such is the law of God administered by every one in the country, villages, rural districts or the remotest part of the country. Such is the custom.

Chapter 12. Law on the seduction of girls and married women.

12.1 If a man seduces another's wife, and the husband comes to know about it and lodges a complaint with the judge, he (the seducer) shall be ordered by the judge to prostrate himself before the husband in public. If he is unwilling to prostrate himself, he shall be fined 10¼ *tahil.* However, the penalty is left to the discretion of the judge. If he (the seducer) is slain by the husband, the latter shall be fined 5¼ *tahil,* because he (the seducer) has merely committed an act of seduction (and) should not be killed (by any one) except the high dignitaries who are allowed to kill him.

Adapun jikalau orang menawar[4] anak orang, maka tahu bapanya, harus ia didenda oleh hakim dua tahil sepaha. Jikalau patut duduk[5], hendaklah didudukkan[6] minta belanjanya sepenuh-penuhnya, itulah hukumnya.

Adapun jikalau menawar hamba orang, didendanya lima emas; [7]itupun jikalau tiada dengan perbuatan zina(h)[7] dengan dia. Dan apabila diambil daranya [c]abdi orang itu, maka didenda akan dia sepuluh emas.

12.2 Demikian lagi menangkap orang, maka lalu diwaṭi'nya perempuan[8] itu, [9]pun sepuluh emas dendanya, karena menggagahi orang. Demikianlah hukumnya atas pihak kanun hukumnya.

Adapun tiada dapat ia menangkap dan menggagahi orang. Jikalau ada orang merdehika yang ditangkapnya itu, maka lalu diwaṭi'nya perempuan itu[9], maka diberinya tahu kepada hakim, maka dipanggil oleh hakim, disuruh kahwinkan. Jikalau tiada ia mau kahwin, didenda tiga tahil sepaha dengan isi kahwinnya [c]adat [10]hamba raja[10]. Adapun pada hukum Allah, jikalau ia muḥṣan, direjam[11]. Adapun arti muḥṣan itu [12]perempuan yang berlaki; jikalau[12] laki-laki, yang ada beristeri, itulah arti muḥṣan. [13]Jikalau ghair muḥṣan[13], dipalu delapun puluh palu dengan hukum[14] dera. Itulah [15]hukumnya dengan tiada[15] bersalahan lagi.

12.3 Adapun akan hukum orang yang menuduh[16] orang zinah itu, [17]pada hukum Allah didera delapan puluh kali deranya. Jikalau[17] pada hukum kanun didenda sepuluh tahil. Jikalau yang dituduh itu [c]abdi, didenda dua tahil sepaha atau setengah harganya. Jikalau[18] ada sungguh tuduhnya itu, suatupun tiada lagi hukumnya atas yang menuduh itu. [19]Demikianlah menuduh[19] anak hamba orang zinah itu setengah harga juga dendanya[20].

13.1 Fasal yang ketigabelas pada menyatakan hukum orang lari dan orang yang menyembunyikan[1] hamba orang. [2]Adapun segala hamba orang lari dan meninggal

If a man seduces someone's daughter, and the father comes to know about it, he (the seducer) shall be fined 2¼ *tahil* by the judge. If (the girl's father deems) a marriage is suitable, he shall be made to marry (the girl) and be required to defray the full expenses (incurred). Such is the law.

Concerning the seduction of someone's (female) slave, he (the seducer) shall be fined five *emas*, but this only applies if (he) has not had illicit intercourse with her. If he has deflowered her, the fine is ten *emas*.

12.2 In like manner, a man who seizes a woman and then rapes her, shall be fined ten *emas*, because force has been used. Such is the punishment according to *kanun* law.

A man is not to seize and use force against any person. If a man seizes a free woman and then rapes her, and the latter informs the judge, he (the offender) shall be summoned by the judge and ordered to marry her. If he refuses to marry (her), he shall be fined three *tahil* and one *paha* (and in addition), to pay a wedding-gift as is customary for a subject of the ruler. But according to the law of God, if he is *muḥṣan*, he shall be stoned (to death). The meaning of *muḥṣan* is a woman who has a husband or in the case of a man, he who has a wife. This is the meaning of *muḥṣan*. In the case of a person who is non-*muḥṣan*, he shall be sentenced to the lash and be flogged eighty strokes. This is the law and there should be no deviation.

12.3 Law concerning (false) accusation of unlawful intercourse. According to the law of God, a person who makes a false accusation shall be flogged eighty strokes. But according to *kanun* law, he shall be fined ten *tahil*. If the accused is a slave, the fine (for the accuser) is 2¼ *tahil* or half of the fine (normally paid for falsely accusing a free man). If the accusation is proved, there shall be no punishment for the accuser. In like manner, the fine for (falsely) accusing a slave's daughter of unlawful intercourse is only half of that (for accusing a free man's daughter).

Chapter 13. On runaway slaves and those who hide them.

13.1 All slaves who run away and disappear are to be dealt with by

itu sekaliannya[2] pada syahbandar. Adapun jikalau orang [3]ke laut larinya lalu[3] ke negeri orang tiadalah timbul lagi melainkan dengan syafa[c]at segala orang besar-besar di dalam negeri itu juga lagi akan dia. Adapun jikalau lari kepada anak sungai, jauh daripada negeri kira-kira dua hari atau sehari pelayaran, dibahagi [4]tiga, dua bahagi[4] akan tuannya, sebahagi akan penghulu anak sungai itu. Adapun jikalau hingga kuala daripada negeri itu, tiga emas tebusnya. Adapun jikalau lari dari dalam kota keluar kota seemas tebusnya. Dan jikalau lari dari luar kota ke dalam kota, dua kupang tebusnya. Demikianlah [c]adatnya.

13.2 Adapun hukum orang mencuri dengan orang dan[5] menyembunyikan dengan orang: jikalau[6] didapat di dalam rumahnya itu, dirampas [7]rumah tangganya itu[7]. Adapun jikalau tiada dapat di dalam rumahnya, maka dapat dibunyikannya di dalam hutan atau di dalam perahu orang, didenda lima tahil. Jikalau ada iaitu [c]abdi orang, ulur[8] kepada yang empunya dengan itu, karena jikalau mau, tuannya itu menebus dia lagi.

13.3 Adapun hukum orang yang sekutu itu, hukumnya mencuri juga. Dan hukum orang berjual titah itu dibunuh atau dibelah lidahnya atau dikupas kulit kepalanya.

Adapun hukum orang [9]berdusta kepada bendahara[9] itu, dicoreng mukanya atau didenda dua tahil. Adapun jikalau orang[10] berjual kata orang besar-besar atau syahbandar didenda setahil sepaha atau disuruh maki di hadapan orang banyak. Jikalau dia melawan, dibunuh karena orang besar-besar itu meneguhi[11]kerajaan duli yang dipertuan.

13.4 Adapun jikalau berkata hendaklah segera tentukan[12] supaya hak manusia lepas daripada negeri. Demikianlah hukum [c]adat[13] kanun pada negeri dan dusun atas[14] barang tungguannya[15] itu supaya terpelihara nama[16] raja dan nama hakim. Inilah hukumnya.

the Harbour-master. If a man (who is a slave) flees by sea to a foreign country, he can no longer be reclaimed except through the intercession of the authorities in that country. If he flees to the rural districts, far away from the (capital of the) country, to a distance of about one or two days' sailing, the value (of the slave) shall be divided into three parts, two parts return to the master, one part goes to the chief of the rural district. If he flees to an estuary (far) away from the country, his ransom is three *emas*. If he flees from the town to the countryside, the ransom is one *emas*. If he flees from the countryside to the town, the ransom is two *kupang*. This is the custom.

13.2 Concerning the law regulating the stealing or hiding of someone's slave: if he (the slave) is discovered in the house, the thief's wife and family shall be sequestered. If he (the slave) is not found in the house, since he (the thief) has been able to secrete him in the woods or in someone's *perahu*, the fine is five *tahil*. If he (the thief) is a slave, he must become the debt-slave of the master of the slave (he hid), because his master can still redeem him, if he so wishes.

13.3 With regard to an accessary (to theft), he (the person in question) shall be punished as a thief. He who forges and counterfeits the royal seal shall be killed or have his tongue slit or his head scalped.

A man who gives false evidence to the *bendahara* shall have his face smeared or shall be fined two *tahil*. A man who forges and counterfeits instrument of high dignitaries or the Harbour-master (*syahbandar*) shall be fined 1¼ *tahil* or shall be exposed to ridicule in public. If he resists, he shall be killed, because (it is the duty of) all the high dignitaries (to) see that royal authority is honoured and upheld.

13.4 In a legal proceeding, a decision must be made as soon as possible in order that (the violation of) the rights of men will not become the responsibility of the country. Such is the *kanun* law in the country, villages (and) all the areas under (the country's) jurisdiction, in order that the ruler and the judge may continue to be held in high esteem. Such is the law.

14.1 Fasal yang keempatbelas pada[1] menyatakan hukum[2] orang bertuduh-tuduhan dan sangkal-menyangkal. Adapun seorang itu menuduh dan seorang itu bersangkal, maka ditanyai oleh hakim. Jikalau ia mau berlawan, diperlawankan; itupun jikalau tiada syaksi berdiri. Jikalau ada syaksi dua orang atau seorang, dihukumkan oleh hakim atas barang ᶜadat[3] kanun. Adapun pada hukum Allah, sekadar disuruh bersumpah menjabat mimbar juga pun padalah.

Adapun pada hukum kanun, disuruhkan ia berlawan berselam air atau bercelur minyak atau timah. Maka disurat ayat Ḳur'ān pada tembikar kuali itu. Inilah yang disurat: 'Wa'llāhu khalaḳakum wa mā taᶜmalūna.[4] Ilāhī, bi barakat Jabrā'īl wa Mīkā'īl wa Isrāfīl wa ᶜIzrā'īl, Kau tunjukkan kiranya [5]benar salah[5] si anu dengan si anu itu'. Maka dibubuhkan pada kawah atau kuali. Maka disuruhkan antara [6]keduanya itu[6] mengambil tembikar itu dengan sekali celup tangannya juga. Barangsiapa alah, maka dihukumkan atas hukum negeri atau dusun, [7]jikalau besar salahnya patut dibunuh, maka dibunuh akan dia. Jikalau tiada besar salahnya, didenda akan dia mana patut dendanya; jikalau yang patut dimaᶜafkan, dimaᶜafkan oleh hakim[7].

14.2 Adapun jikalau menuduh orang mengambil isteri orang, maka menang yang dituduh itu, dibunuh orang yang menuduh itu, karena hukum mengambil isteri orang itu mati hukumnya. Jikalau tiada dibunuh, didenda sepuluh tahil sepaha. Di dalam pada itu melainkan syafaᶜat segala hakim juga; karena hukumnya itu mati[8]. [9]Adapun kepada[9] hukum Allah tiada demikian, hanya [10]disuruhkan hakim[10] bersumpah atau bertaubat daripada perbuatan itu. Demikianlah hukum Allah.

15.1 Fasal yang kelimabelas pada menyatakan upahan berjual atau naik kayu atau menenggala atau barang sebagainya[1]. Adapun jikalau diupah hamba orang

Chapter 14. On the law governing accusation and denial.

14.1 If a person accuses (another person) and the latter denies (the accusation), they (both parties) will be examined by the judge. If he (the accused) wishes to plead not guilty, he will be brought face to face (with the accuser), but this ruling only applies if there are no witnesses who come forward (to give evidence). If there are two witnesses or (even) one witness, the judge will give his ruling according to the way such cases are customarily decided by *kanun* law. But according to the law of God, they (both parties) are only ordered to take the oath, while touching the pulpit (in the mosque), (and) this is (deemed) sufficient.

According to *kanun* law, they will be ordered to prove their case by (an ordeal of) immersing their hands in (boiling) water, oil or tin. A verse of the Quran will be written on a potsherd. This is what is being written: " 'And Allah has created you and that which you made'. O my God, with the blessing of Jabra'il and Israfil and Izra'il, show us who is right and who is wrong (in this case) of so and so". The potsherd is then thrown into a (boiling) couldron or a pot. The two contesting parties are then ordered to (immerse their hands and) take the potsherd out in one attempt. He who fails shall be punished according to the (prevailing) law of the country and the villages. If his offence is serious and the fitting punishment is death, he shall be executed. If his offence is not serious, he shall be fined the proper fine. If he deserves to be forgiven, the judge shall forgive him.

14.2 Concerning accusation of seizing another's wife: If the accused succeeds (in pleading innocent), the accuser shall be sentenced to death, because the punishment for seizing another's wife is death. If he (the accuser) is not sentenced to death, he shall be fined 10¼ *tahil*. Meanwhile only the judge can intervene (to save the accuser), because the punishment (for this offence) is death. But according to the law of God, it is not so. He (the accuser) is ordered by the judge only to swear the oath and repent his deed. Such is the law of God.

Chapter 15. On employing people to sell, to climb trees (to pick fruits) or to plough land.

15.1 If a free man employs someone's slave and it has been confirmed

oleh merdehika, jikalau sah ia ᶜabdi dengan setahu tuannya ia pergi mengambil upahan itu dan ᶜabdi ada ia memberi hasil[2] akan tuannya, maka jikalau hilang atau mati [3]hak orang yang mengupah itu, maka diganti oleh ᶜabdi yang mengambil upahan itu[3]. Jikalau tiada diganti olehnya, atas tuannyalah yang membayar hak orang itu, [4]karena sentiasa ia beroleh hasil daripada ᶜabdinya[4]. Adapun jikalau tiada dengan setahu tuannya, dan tiada disuruh tuannya, jikalau hilang atau mati akan benda orang itu tiadalah tuannya mengganti, melainkan mana setahu[5] yang empunya hak itu juga lagi, maka tiada dapat ditarik [6]hamba orang itu lagi, karena[6] taksir tiada memberi tahu tuannya. Adapun jikalau mengupah[7] ᶜabdi orang naik kayu dengan setahu tuannya, maka mati atau patah, dengan untungnya beroleh kecelaan itu, karena yang mengupah itu tiada taksir kepada tuannya, ia bercela itupun dengan upahnya juga.

15.2 Adapun jikalau dipinjam hamba orang itu kepada tuannya, [8]maka ditanya oleh tuannya[8], barang yang hendak disuruhnya itu, jikalau mati, kena sepertiga, yaᶜni [9]hilang sebahagi, timbul dua bahagi harga itu[9].

Adapun jikalau dipinjam hamba orang, disuruh naik kayu, maka dikatakannya[10] oleh yang meminjam itu kepada tuannya: "Kalau-kalau mati atau patah, bagaimana itu?", maka kata tuannya: "Jikalau mati, matilah atau patah pun patahlah". Maka antara itu mati ᶜabdi itu, maka diganti sepertiga harganya, dua bahagi hilang, sebahagi dibayarnya oleh yang meminjam itu. [11]Adapun jikalau patah dibelanjai oleh orang yang[12] meminjam itu barang berapa sehingga baiknya, kemudian dikembalikan kepada tuannya[11]

15.3 Adapun akan orang yang diupah menyelam itu, maka mati ia dengan tiada setahu tuannya diupah itu, maka mengganti setengah harga dengan itu, [13]karena ia mati dengan upahnya[13]. Adapun jikalau dengan[14] setahu tuannya, dan disuruhnya, maka mati dengan itu, sepertiga harganya, sebahagi timbul, dua bahagi hilang, karena ia

that he (the person so employed) is a slave who is accustomed to work for wages and he (the slave) always gives his earnings to his master, then if the property of the employer is lost or destroyed, the slave has to pay compensation. If he fails to do so, it is the duty of his master to repay (the full value of) the (owner's) property, because he has always obtained profit from his slave. (In the case of a slave so employed) without the knowledge of his master and if his master has not ordered him (to work too): if an article is lost or destroyed, his master does not have to pay any compensation but it is exclusively the responsibility of the owner of the property and he cannot seize the slave, because he has failed to inform the slave's master.

If a slave is hired to climb trees with the knowledge of the slave's master, and he (the slave) is killed or breaks his limbs, it is deemed accidental, for the employer has not been lax in informing the slave's master, (and) the slave met his accident while being employed for wages.

15.2 If a man borrows a slave from his master (and) the latter inquires as to the nature of the work which the slave will be ordered to do, and if the slave gets killed, he (the owner) suffers the loss of one third of the (slave's) value, i.e. he loses one third, two thirds to be paid to him by the borrower as compensation.

If a man borrows a slave and orders him (the slave) to climb trees, (and) he (the borrower) says to the slave's master: "What if he (the slave) gets killed or injured?" and the slave's master replies: "If he dies or injures himself, it just cannot be helped," and afterwards the slave gets killed, then only one third of his value shall be paid, (i.e.) two thirds are lost, one third is paid by the borrower (in compensation). If he (the slave) has broken his limbs, the borrower is to defray all expenses until he (the slave) is healed, and only then he is to be returned to his master.

15.3 If a slave is employed to dive (for something) and gets killed without his master's being aware of the fact that the slave was so engaged, half of the value of the slave must be paid in compensation, because he (the slave) has died while earning wages. If (the slave is employed) with the knowledge of his master and has been ordered (to work) by him, then if the slave drowns, it is one third, i.e., one third

mati dengan upahnya, lagi sudah dengan setahu tuannya.

15.4 Adapun jikalau dipinjam kerbau orang, maka ditaruh dalam kandang hampir rumahnya, maka ditangkap oleh harimau, maka mati kerbau itu, maka diganti setengah harga, karena ia tiadalah taksir lagi. Jikalau jauh daripada kandang ditaruhnya, [15]mati atau hilang, diganti sepenuh-penuh[16] harganya kerbau itu. Demikianlah hukumnya[15].

15.5 Adapun jikalau seorang mencuri hamba orang perempuan, maka lalu diwaṭi'nya, maka tiada[17] reḍa ia, maka didenda setahil sepaha. Adapun jikalau tiada dengan[18] digagahi, hanya dengan reḍanya perempuan itu, lima emas juga dendanya. Itulah hukum negeri besar-besar dengan hukum kanun tiap-tiap negeri[19].

15.6 Adapun jikalau dipinjam oleh seorang[20] dengan perempuan, maka diwaṭi'nya oleh yang meminjam itu, maka tahu tuannya: jikalau ada lagi daranya, maka didenda ia sepuluh emas, kain sehelai, [21]dan baju sehelai[21]. Jikalau ia janda, lima emas dendanya, tiadalah kain baju lagi. Demikianlah hukum negeri dan anak sungai [22]dan dusun atau teluk rantau[22]. Inilah faedahnya akan segala makhluk supaya jangan berbesar diri dan berbuat akan sahaya orang yang daᶜif dengan[23] sekehendaknya hatinya. Maka inilah diᶜadatkan kanun akan menghukumkan segala perbuatan yang salah itu, mudah-mudahan supaya insaf mereka itu akan segala yang daᶜif dan yatim pada segala negeri yang besar-besar dan [24]dusun dan anak sungai dan teluk rantau[24] pada tiap-tiap perkara ini.

15.7 Adapun jikalau meminjam kerbau atau lembu, maka ditarikkan kayu, hatta maka mati, [25]dengan tiada suatu sebabnya mati itu, mengganti[25] setengah harganya. [26]Adapun mati dengan suatu sebab, mengganti juga dengan setengah harganya. Jikalau dipinjam kepada barang suatu kerja pun, jika ada barang suatu celanya, itupun demikian juga[26].

is paid (to the slave's master) as compensation, two thirds are lost, because the slave has died while earning his wages, and moreover, it was with the knowledge of his master.

15.4 If a man borrows someone's buffalo and puts it in a pen near his (own) house, then the buffalo is seized by a tiger and is killed, he (the borrower) compensates only half of the value (of the buffalo), for he (the borrower) cannot be held negligent. If the buffalo is put in a pen far away from his house, and it is killed or perishes, the full value of the buffalo has to be paid. Such is the law.

15.5 If a man steals a female slave and has intercourse with her without her consent, he shall be fined 1¼ *tahil.* If no violence has been used and the woman gave her consent (willingly), the fine is only five *emas.* Such is the law prevailing in big countries and the *kanun* law in every settlement.

15.6 If a man borrows a female slave and has sexual intercourse with her, and her master comes to know about it, then, if (she was) still a virgin, he shall be fined ten *emas,* a piece of cloth and a blouse. If she is a widow, the fine is five *emas,* no cloth and blouse are required. Such is the law prevailing all over the country and the rural districts down to the remotest part of the country.

It is to the advantage of all people if one is not vain-glorious and does not act arbitrarily towards other people's servants who are weak. And thus the *kanun* law has been laid down to punish every criminal act, in the hope that people will become aware (of the helplessness) of the weak and the orphaned in every big country, village, rural district and the remotest parts of the country (and will not act arbitrarily) in any of these matters.

15.7 If a man borrows a buffalo or an ox and uses it for dragging wood, and it dies without any (ostensible) reason, he shall pay half of its value (in compensation). If it dies due to a particular cause, he has also to pay half of its value. If a man borrows (an animal) for whatever kind of work: even if it is wounded only slightly, (he has to pay) the same compensation.

Adapun[27] jikalau dipinjam kerbau kepada
tuannya, maka kata yang meminjam itu hendak mengilang,
[28]atau hendak menenggala, antara itu[28] maka ditarikkan-
nya kayu atau barang sebagainya, maka mati kerbau itu,
mengganti sepenuh-penuhnya[29] harganya, karena bersalahan
janjinya yang meminjam itu. [30]Adapun jikalau mati seperti
yang diperjanjikan tatkala ia meminjam itu, mengganti
setengah harganya.[30]

Adapun jikalau dipinjam kerbau atau lembu
atau kambing, maka ditaruhnya di dalam kandangnya,
[31]mati atau hilang[31], diganti setengah[32] harganya. Dan
jikalau dipinjam kerbau atau lembu, [33]ditentukannya
harganya kepada tuannya[33], maka mati iaitu diganti
[34]sepenuh harganya[34].

Adapun pada hukum Allah, [35]segala harta
yang dipinjam itu, hendaklah ditentukan kepada tuan-
nya[35], karena pada hukum Allah syarat pinjam[36] itu
mau kekal ᶜiyānnya yaᶜni nyatanya itu.

15.8 Adapun jikalau dipinjam parang, maka[37]
dirautkan rotan atau kayu, maka patah, diganti setengah
harganya; atau pisau raut, maka dikeratkan kayu, maka
patah, [38]mengganti setengah harganya[38]. Adapun tiada
diberi harganya itu melainkan atas yang ditentukan
perjanjian itu juga. Maka tiadalah memberi ganti lagi
atas kias hukum kanun.

16.1 Fasal yang keenambelas pada menyatakan hukum
fitnah. Adapun jikalau ada seseorang berkelahi atau
berbentuh, maka jadi bertikam keduanya, maka datang
seorang, ditolongnya [1]ditikamnya atau dipalunya atau
ditetaknya[1], atau barang sebagainya, [2]maka jika ber-
tikam atau berpalu[2], [3]atau berbunuh-bunuhan[3], tiada ada
lagi kata-kata hakim atasnya itu, karena taḳṣīr fuḍūlī
namanya itu.

Demikian lagi[4] orang berbantah akan nama[5]
zinah itu. Adapun yang berbantahkan zinah itu, jikalau[6]
lama zinahnya itu dalam dua tahun, kemudian maka zinah
pula ia dengan perempuan yang lain, maka [7]zinah lama itu[7]

If a man borrows a buffalo from its owner, saying that he is borrowing it for the purpose of turning a mill or for ploughing, but instead, he uses it for dragging wood or work of a similar kind, and the buffalo gets killed, (he has) to pay its full value (in compensation), because the borrower has acted contrary to the agreement. But if it (the buffalo) dies in carrying out work that was agreed upon at the time of the borrowing, (he has) only to pay half of the value.

If a man borrows a buffalo or an ox or a goat and puts it in a pen, (and the animal) gets killed or is lost, (he has) to pay half its value. If a man borrows a buffalo or an ox, its value has to be fixed with its owner. If the animal gets killed, (he has) to pay its full value (in compensation).

According to the law of God, the value of everything that is borrowed must be fixed (beforehand) with its owner, because, by the law of God, the conditions relating to borrowing must be clearly established.

15.8 If a man borrows a chopper and uses it for chopping rattan or wood, and it is broken, (he has) to pay half of its value (in compensation); or (if it is) a cutting-knife, which is used for cutting wood, and if it is broken, half of its value has to be paid.

No price is to be paid in compensation except that price which has been fixed by agreement. Then no further compensation shall be given, by analogy with the *kanun* law.

Chapter 16. Rules governing discordance.

16.1 If a man quarrels or disputes (with another man and) thereby the two come to stab one another, and a (third) person comes to assist him (one of the parties) in stabbing, striking or slashing (the other party) and so forth, then if (the third person) is stabbed or hit or even involved in the act of killing, the judge is no longer able to pronounce any judicial decision against him (the killer), because this is what is understood by *taḳṣīr fuḍūlī*.

The same (ruling) applies to people who dispute about what constitutes *zinah* (unlawful intercourse). If a man who is involved in a dispute about unlawful intercourse committed unlawful intercourse two years earlier, (and) later he also had unlawful intercourse with another woman, his previous offence (that of two years ago) will not be punished

tiada dibalasnya [5]perbuatannya itu hingga diadukannya kepada hakim, maka dihukumkan oleh hakim seperti [6]adat hukum negeri itu, [6]adil namanya[6]. Adapun jikalau laki-laki itu zinah dan perempuan itupun zinah pula dengan laki-laki lain, [8]jikalau dibunuhnya laki-laki itu[8], dibunuh pula oleh hakim, karena sudah ia zinah dengan perempuan [10]yang lain[10]. Adapun bersalahan kepada hukum Allah, karena mau[11] lama mau baharu, apabila zinah itu tiada dapat membunuh, dibunuh pula hukumnya. Jikalau luka[12], didera ia.

16.2 Adapun yang dapat kita fuḍūlī itu atas tiga bahagi[13], suatu orang membunuh madu, karena lemahnya madunya tua[14] itu, harus kita fuḍūlī. Dan kedua sahabat kita yang baik atas jalan benarnya, itupun dapat kita fuḍūlī. Ketiga orang yang teraniaya seseorang dirinya, karena ia tiada dapat sampai kepada raja atau menteri atau orang besar-besar sebab ia budak tiada tahu berkata-kata, [dan tiada dapat terlawan seterunya itu atau banyak lawannya[15], maka dapat kita fuḍūlī pada menolong sahabat itu. Adapun jikalau tiada[16] ia lemah pada[17] segala perkara yang kami katakan ini tiada dapat kita fuḍūlī kepada barang apa[18] perbuatannya orang itu. Apabila kita fuḍūlīkan, salah hukumnya, lagi taḳṣīr.

16.3 Adapun hukum taḳṣīr itu, jikalau kita pergi membunuh orang atau melukai orang [19]atau memalu orang[19], maka didendanya tak dapat tiada salah kepadanya itu, dendanya dengan kias. Sebesar-besar denda fuḍūlī itu lima tahil sepaha. Dan pertengahannya denda fuḍūlī itu dua tahil sepaha. Kecilnya[20] setahil sepaha. Jikalau kita turut menolong [21]atau menurut[21] memalu orang, kena sepertiga hukumnya itu.

Adapun akan orang yang pohon pekerjaan itu kena sepuluh tahil sepaha atau sekati lima. [22]Dan pada[22] yang fuḍūlī dibahagi tiga dendanya, itulah hukumnya. Adapun jikalau sahabat kita membunuh orang bersama-sama

until someone has lodged a complaint with the judge, then the judge will punish him according to the custom of the country. This is what is understood by *ʿadil* (justice).

If the man commits unlawful intercourse again (with another woman) and the woman with another man, (then) if he (the husband) kills the man (the first paramour), he (the husband) shall be sentenced to death by the judge, because, he (the first paramour) has already committed unlawful intercourse with another woman. (But this ruling) deviates from the law of God, because (by the law of God), whether the act was committed long ago or recently, in (both) cases, (one) must not kill (the offender, else one) shall be killed in turn. If (he) wounded (the paramour), he shall be scourged.

16.2 The cases in which we can interfere are three in number. First, (when) a man tries to kill his (wife's) paramour, because the latter is weak and old, we may interfere. Second, (when) our good friend is in the right, then also we can interfere. Third, (when) a man is suffering injustice and is alone, because he is unable to lodge a complaint with the ruler or his ministers or high dignitaries, or because he is young and cannot defend his case, or he is unable to oppose his opponent or is outnumbered by his opponents, then we can interfere to assist our friend. However, if he is not lacking as in the cases which we have just mentioned, we cannot interfere (to help him) in any of his actions. If we do interfere, we are deemed to be in the wrong and to have committed a *taḳṣīr* offence.

16.3 Now concerning the *taḳṣīr* (offence), if we set out to kill, wound or beat someone, (whether we succeed or not, we shall be) fined, (for) inevitably, we are guilty of an offence (against the victim), and the fine is established by analogy. The highest fine for interference is 5¼ *tahil*. The average fine for interference is 2¼ *tahil*. The lowest fine is 1¼ *tahil*. If we are an accessary or (if we) aid in striking people, the fine is one third (the amount).

He who instigates someone to commit an act of murder shall be fined 10¼ *tahil* or one *kati* and five (*tahil*). The fine for the unauthorized agent is one third. Such is the law. If a friend of ours attempts to kill

dengan sahabat menolong sahabat, itupun kena sepertiga juga dendanya.

Adapun jikalau atas benarnya itupun tiadalah kita fuḍūlī itu melainkan atas jalan yang[23] tiga perkara itu juga. Pertama-tama ia tiada sampai kepada raja [24]dan menteri[24], kedua tiada ia[25] kuasa melawan seterunya, ketiga dengan benarnya, maka dapat [ia][26] kita[27] fuḍūlī kepada sahabat itu. Demikianlah jikalau sahabat kita membunuh madu atau ditampar[28] orang, atas kias itu juga hukumnya dengan tiada lagi bersalahan.

Adapun akan hukum orang fuḍūlī itu, jikalau sahabat itu mati[29] ia, adalah segala belanjanya mati itu daripada sahabat yang ditolong itu, seperti kain kapannya dan daripada belanja orang menyembahyangkan dan talkin[30] dan sekaliannya itu daripada sahabat yang ditolong itu juga. Demikianlah ᶜadatnya. Dan jikalau ia luka, upah obatnya itupun daripada sahabat yang ditolong itu juga sekaliannya. Demikianlah hukumnya [31]segala orang yang fuḍūlī itu, maka kias hukum juga atasnya. Itu ᶜadat hukum[31] segala negeri atau anak sungai itu.

17.1 Fasal yang ketujuhbelas pada menyatakan hukum orang mengambil upah[1] membunuh orang atau menampar orang atau memalu orang. Adapun jikalau diupah orang ia membunuh orang itu, maka dibunuhnya [2]orang itu, upahan itu[2] mati sebab kebalasan, maka salah yang mengupah itu, kena denda sepuluh tahil. Dan akan belanja mayat itu sekaliannya daripadanya, karena taḳṣīr ia tiada memberi tahu hakim.

Adapun jikalau diupah orang itu dengan setahu hakim atau orang besar-besar, maka yang mengambil upahan itu mati sebab kebalasan, maka barang berapa belanjanya mati itu semuanya daripada yang mengupah itu juga. Adapun jikalau sama mati, [3](yang dibunuh itu mati)[3], yang diupahkan itupun mati, maka diberi upahnya itu kepada anak isterinya dan kepada segala keluarganya[4] itu juga dan belanja mayat yang diupah itupun sekaliannya daripada

someone with the aid of a friend who assists him, then the incurred fine also is one third.

Even if our friend is in the right, we cannot interfere (to help him) except in three cases: first, he is unable to present (his case) to the ruler and (his) ministers; second, he is helpless to oppose his opponent; and third, when he is in the right. (Only under these circumstances) may we interfere on behalf of our friend. Likewise, if our friend attempts to kill (his wife's) paramour or someone who has slapped him, the penalty is (to follow) this analogy — without any divergence (from the law).

Now the rules pertaining to the unauthorized agent: If the friend (who interfered) dies, all the funeral expenses must come from the friend whom he assisted, e.g. the cloth for the shroud, the money to be paid to the people who read the funeral prayer and whisper the *talkin* (prayer); all such expenses are to come from the friend who was given assistance. Such is the custom. And if he is wounded, the medical expenses must also come from the friend whom he assisted. Such are the rules pertaining to the unauthorized agent to be administered by analogy. This is the custom (administered) in all countries and rural districts.

Chapter 17. Rules concerning hirelings (who are employed) for killing, slapping or striking people.

17.1 If a man is hired to kill someone and the latter is killed, but the hireling is also killed in retaliation, the hirer is guilty (of the hireling's death) and shall be fined ten *tahil*. (In addition), the funeral expenses are also to be paid by him (the hirer), because he is held negligent in failing to inform the judge (beforehand).

If a man is hired with the knowledge of the judge or high dignitaries, and the hireling is killed in retaliation, all the funeral expenses must also be borne by the hirer. If both parties die, (i.e.) the intended victim as well as the hireling, the wages (of the hireling) must be given to his wife and children and his (other) relatives; also the expenses of the funeral of the hireling are to be paid by the hirer. Such are the rules governing

yang mengupah itu juga. Itulah hukumnya upahan itu. Dan jikalau upahan luka dan yang dibunuhnya itu mati, maka diberi oleh yang mengupah itu[5] belanja obatnya yang diupah[6] itu [7]sehingga baiknya[7]. Adapun jikalau ia mati, yang diupah itu atas kias[8] hakim di dalam negeri itu. Itulah hukumnya.

Demikianlah upahan memalu atau menampar orang, itupun akan hukum orang yang mengambil upahan[9] itu. Jikalau tiada dengan setahu hakim[10], didenda lima tahil oleh hakim dalam negeri itu. Demikian lagi ᶜadat seseorang pada negeri itu.

17.2 Adapun hukum orang mengupah memalu orang, jikalau tiada setahu hakim, didenda ia yang mengupah itu setahil sepaha, karena taḳṣīrnya tiada memberi tahu hakim. Itupun akan segala [11]hakim akan tetap[11] memeliharakan kerajaan[12] raja. Itulah hukum orang yang mengupah orang itu atas kias. Itulah dihukumkan oleh hakim dengan tiada lagi bersalahan supaya terpeliharalah segala raᶜyat itu.

Adapun akan upahan memalu orang, maka[13] mati yang dipalu itu, [14]didenda oleh hakim seharga dengan yang mati itu[14]. [15]Jikalau ia ᶜabdi, mengganti harganya sepenuhnya; jikalau ia merdehika yang mati itu, dibunuh pula yang mengupah itu dan upahan itu dihukumkan, karena taḳṣīrnya tiada memberitahu hakim[15]. Jikalau dengan setahu hakim ia mengupah itu, tiadalah lagi kena denda[16]

.....

melainkan dendanya itu pada keluarganya, karena yang dipalu itu hukum judah[17] pada orang yaᶜni ia memaki orang dengan[18] tiada berkecuali atau beracara[19] di hadapan orang; itulah hukumnya, dipalu juga tiada lain.

18.1 Fasal yang kedelapanbelas pada menyatakan hukum orang angkara. [1]Adapun angkara[1] itu dua bahagi, suatu maharajalela, kedua angkara itu seperti menawar tunangan orang atau melakukan barang kehendaknya dengan tiada lagi berkira-kira itu, salah ia karena hukum, itulah[2] hukum angkara namanya.

Adapun jikalau seseorang menawar tunangan

(the employment of) hirelings. If the hireling is wounded, (and) the intended victim is killed, the hirer is to bear all the (hireling's) medical expenses until he recovers. If he (the hireling) is killed, the judge in the country will decide the case by analogy. Such is the law.

Likewise, hiring people to hit or to strike someone is also governed by the rules pertaining to the hiring of people (to commit an act of murder). If it is without the knowledge of the judge, the fine given by the judge shall be five *tahil*. This rule applies to everyone in the country.

17.2 With regard to rules governing people who hire (a man) to beat someone without the knowledge of the judge, he (the hirer) shall be fined 1¼ *tahil*, because he is held negligent in failing to inform the judge. That is also to enable the judge to uphold continuously royal authority. Such are the rules governing people who hire other people, on the basis of analogy. Such is the law that is being administered by the judge in the country without any deviation in order that the common people may be protected.

Concerning a hireling (who is hired) to beat someone and the person so beaten is killed, the judge shall levy a fine amounting to the value of the dead person. If he (the dead person) is a slave, only his full value is to be paid. If he is a free man, the hirer is also to be put to death, and the hireling shall be punished for his negligence in failing to inform the judge. If a man hires someone with the knowledge of the judge, he shall incur no fine .....

.....

the fine shall be incurred by his family (instead), because the person so beaten was guilty of *judah*, i.e. he insulted others indiscriminately and was quarrelsome in public. Such is the punishment (and) he shall only be beaten and no more.

Chapter 18. Rules concerning an angkara person.

18.1 Concerning *angkara*, there are two types: first, gross disrespect to the ruling sovereign (in his presence); and second, grave offences against propriety such as seducing someone's betrothed or carrying out one's desires without (any) regard for others. A person (who behaves in that manner) is guilty under the law, namely the law of improper conduct.

If a man tries to court someone else's betrothed who has been given

orang yang sudah diberinya suatu ᶜalamat tanda kahwin, maka ditawarnya oleh seorang dengan setahu ibu bapanya perempuan itu, tatkala ia menawar itu, kemudian maka tahu tunangan itu, maka diberinya tahu oleh tunangannya kepada hakim, maka oleh hakim disuruhnya panggil ibu bapanya perempuan[3] yang menyukakan itu. Maka disuruh kembalikan acara(m)[4] orang itu ganda[5]. Maka didenda oleh hakim yang menawar itu sepuluh tahil sepaha. Adapun jikalau [6]ia miskin[6], lima tahil sepaha juga.

Adapun jikalau tiada tahu ia akan tunangannya orang lain itu, tiadalah kena denda, karena ia[7] tiada tahu akan tunangan orang itu. Adapun jikalau disukakan oleh ibu bapanya[8] itu dan yang menawar itu tiada ia tahu akan tunangan orang lain[9] itu, maka dendanya itu kepada ibu bapanya juga, karena ia menyukakan tawarnya laki-laki lain itu. Maka seperti ᶜadat [10]mana yang patut[10] dendanya itu juga melainkan ikhtiar segala hakim juga. Adapun jikalau tiada tahu laki-laki itu dan tiada disukakan oleh ibu bapanya itu, tiadalah salah kepadanya lagi.

18.2 Adapun yang dapat menolakkan[11] acara(m)[12] orang itu [13]dengan empat perkara yang tiada dapat berganda dan dapat dikembalikan <acaram> orang itu. Pertama ada laki-laki itu hina tiada tahu ibu bapanya perempuan itu. Kedua gila. Ketiga <dayus>[14]. Keempat ada laki-laki itu berpenyakit yang besar[13], hatta kemudian, maka tahu[15], itupun[16] dikembalikan dengan tiada ganda. [17]Demikianlah ᶜadatnya[17].

Dan demikian lagi segala kias ᶜaib itu iaitu seperti ada bermadu atau mengambil anak isteri orang yang lemah zakarnya atau datang penyakit yang besar seperti pekung[18] atau sopak [19]atau barang sebagainya[19] segala penyakit yang keji. Maka sekalian itulah kias segala laki-laki dan segala perempuan. Itulah hukumnya dengan tiada bersalahan lagi[20].

Dan jikalau ada penyakit itu kepada segala perempuan itu, iaitu atas [21]empat syarat[21] juga pada segala laki-laki dan dapat[22] dipintanya acara(m) itu kepada perempuan tunangannya itu atas

a marriage token, and the courting takes place with the knowledge of the girl's parents, when the courting takes place, and if the girl's betrothed comes to know about it afterwards and informs the judge, then the judge will summon the parents of the girl (in question) who consented. The judge will order that the betrothal gift be returned in double. The judge shall fine the seducer 10¼ *tahil*. If he is poor, the fine is only 5¼ *tahil*.

If he is ignorant of the fact that the girl was engaged to another man, he shall not be fined, because he did not know (that he was courting) another man's betrothed. If the parents consented and the suitor did not know that she was already engaged, the fine shall only be inflicted on the parents, because they consented to (the proposal of) another man. The fine shall be in accordance with what is deemed fitting according to custom unless the judge decides otherwise. If the suitor is ignorant (of the bethrothal) and is not encouraged by the girl's parents, no offence has been committed.

18.2 Concerning the rejection of earnest money there are four cases in which it (the earnest money) cannot be returned in double and may be returned (in the same amount). First, the man is of low standing and this was (formerly) not known to the girl's parents; second, (he is) mad; third, (he is) a despicable scoundrel; and fourth, the man is suffering from a revolting disease. (If all these defects) become known afterwards, the earnest money can be returned (as it is) without being doubled. Such is the custom.

In like manner, this (ruling) also applies, by analogy, to other defects, for instance, acting as a pimp (for one's own wife) or being guilty of seducing another's daughter or a married woman whose husband is impotent or is afflicted with a terrible disease like *pekung* (strong-smelling ulcer) or *sopak* (skin disease) or other kinds of revolting diseases. All similar cases are to be decided by analogy regarding both men and women. Such is the law without any divergence.

If women are afflicted with diseases, then there are also four conditions under which a man can ask for the return of his earnest money

tiada lagi[23] hilang acara(m) itu. Pertama perempuan itu ᶜabdi, tiada tahu laki-laki itu akan dia, itupun dapat dipintanya acara(m).

[24]Kedua akan ᶜaib perempuan tiada tahu laki-laki itu[24], maka kemudian tahu ia[25] akan ᶜaib perempuan itu, itupun harus dipintanya acara(m). Ketiga ada[26] perempuan itu sesuatu penyakitnya seperti busung darah dan bawasir atau sopak farajnya. Itupun harus dipintanya[27] kembali [28]acara(m) itu. Keempat akan perempuan itu gila, itupun harus dipintanya acara(m) itu[28] dengan tiada hilang.[29] Itulah hukumnya melainkan jika ada perempuan itu kabul akan ᶜaibnya laki-laki [30]itu juga, maka tiadalah[30] lagi suatu perkataannya dalamnya. Demikianlah kias perempuan dan laki-laki. Itulah hukumnya. Tamma[31].

18.3 Adapun jikalau ᶜabdi[32] menawar tunangan orang yaᶜni sama ᶜabdi, didenda sepuluh emas juga tiada lebih, maka dikiaskan oleh hakim atas [33]kias ini juga hukumnya[33].

18.4 Adapun orang[34] maharajalela itu atas[35] dua perkara: suatu membunuh tiada setahu raja; kedua mendatangi kampung orang, dendanya sepuluh tahil sepaha pada mendatangi kampung orang itu oleh hakim. Jikalau ia mendatangi kampung orang lagi membunuh orang, didendanya sekati lima tahil atas kias. [36]Itulah hukumnya, tetapi kepada hukum Allah membunuh orang itu dibunuh pula hukumnya.[36]

18.5 Sebermula[37] hukum orang mabuk yang dipanggil orang kepada rumahnya, maka ia[38] melawan atau menikam orang atau memalu orang; maka jikalau tiada ditangkap oleh yang empunya rumah itu hingga beringatlah ia akan dirinya[39]; manakala ia membunuh orang atau melukai orang, maka tatkala [40]itu hendaklah dikuasainya oleh yang empunya rumah itu menangkap dia, karena berbuat itu berat diatasnya, hendaklah dipertegah-tegah hingga ingat ia akan dirinya, maka dihukumkan atas barang yang patut pada hukum negeri itu[40]. Jikalau dibalasnya tat-

from the woman to whom he is engaged without having to forfeit his earnest money. First, (if) the woman is a slave and the man is ignorant of the fact, he can ask for the return of his earnest money. Second, (if) the man is ignorant of a defect in the woman, and only comes to know about it later, he may also ask for the return of his earnest money. Third, (if) the woman is suffering from a disease like aneurism, hemorrhoids or has leprous genitalia, then also he can ask for the return of his earnest money. Fourth, if the woman is mad, (the man) may also ask for the return of his earnest money without suffering any losses. Such is the law except when the woman (man?) is willing to accept the defects of the man (woman?), then no legal action can be sought in the case. All similar cases are to be decided by analogy regarding both men and women. Such is the law. Finis.

18.3 A slave who tries to court another's betrothed, i.e. his fellow slave's fiancée, shall be fined ten *emas* only (and) no more. (Other cases) are to be decided by the judge by analogy.

18.4 With regard to people who are guilty of *maharajalela* (gross contempt of the sovereign), two cases are to be distinguished: first, killing without the knowledge of the ruler; second, trespassing upon another's compound. The fine to be imposed by the judge for the latter is 1¼ *tahil*. If a man trespasses upon another's compound and in addition kills someone, the fine is one *kati* and five *tahil* based on analogy. Such is the law. But according to the law of God, the punishment for killing is death.

18.5 If an intoxicated person was asked by someone to his (the host's) house and he (the drunkard) starts fighting, stabbing or beating people, and if he is not put under arrest (forthwith) by the owner of the house until he (the drunkard) becomes conscious of himself, and when he kills or wounds somebody, it is then that the owner of the house should strive to arrest him (the drunkard), because to do so is his duty, he should keep the drunkard under restraint until the latter becomes conscious of himself, and then (the drunkard) shall be given an adequate punishment according to the law of the land. If a man takes revenge

kala mabuknya atau gilanya, tiada harus dikisas padanya karena hukum[41] angkara itu. Maka jikalau mati ia pada rumahnya atau tangganya, adalah akan dendanya itu dua tahil sepaha. Jikalau tiada [42]terberi olehnya[42] dendanya itu daripada sebab miskinnya dan[43] da^{c}ifnya, kenalah ia ta^{c}zīr iaitu dicanangkan berkeliling negeri. [44]Demikianlah hukumnya[44].

Adapun jikalau ditangkap serta[45] <ditegahi>[46] ia, [47]dengan tiada[47] salahnya melainkan didenda setahil sepaha. Jikalau[48] da^{c}if ia, tiada terbayar dendanya itu, kenalah ia hukum ta^{c}zīr [49]seperti yang tersebut itu[49]. Adapun pada syarat hukum tiadalah lebih atas angkara lagi. Demikianlah hukumnya.

19.1 Fasal yang kesembilanbelas pada menyatakan hukum segala buah-buahan di dalam kampung orang atau di dalam kota negeri. Adapun jikalau tiada dibahaginya akan[1] yang empunya itu [2]dimakannya sama-sama[2]; jikalau dijualnya buahnya itu, dipinta harganya sepertiga, dua bahagi akan yang empunya kampung, sebahagi akan tuannya lama. Adapun jikalau ia tiada mau memberi, maka gusar ia, lalu ditebangnya pohonnya itu, maka diberinya tahu oleh tuannya kepada hakim, maka disuruh hakim beri sesuku harga pohon kayu itu. Demikianlah ^{c}adatnya segala pohon kayu-kayuan yang di dalam kampung orang dan akan segala buah-buahan itupun seperti mana ^{c}adatnya[3] sepertiga juga. Jikalau dijualkan oleh yang empunya kampung itu, dapat dida^{c}wa oleh yang empunya lama itu melainkan yang tiada perkataannya lagi hanyalah[4] kampung dan dusun [5]anugraha raja[5] akan seseorang. [6]Itulah yang[6] tiada dapat dida^{c}wa lagi, putus perkataannya itu.

Adapun jikalau seperti bendahara dan orang besar-besar memberi kampung akan seseorang dengan tiada [7]tahu raja, itupun dapat juga dida^{c}wa orang, karena empunya kampung itu tiada[7] dapat sampai berkata akan halnya mereka itu kepada raja; adapun jikalau diambil kampung orang[8] atau dusun seseorang besar, maka

when he gets drunk or insane, no retaliation should be made against him, for that is an *angkara* (gross contempt) offence. If he (the drunkard) should die inside the house (of the host) or outside at his staircase, the fine is 2¼ *tahil*. If he (the host) is unable to pay the fine, because of his poverty, and humble state, he should undergo the *taᶜzīr* punishment, i.e. he shall be carried around the city accompanied by the beating of gongs.

If he (the guest) is arrested and put under restraint without any fault on his own part, (the owner of the house) shall be fined but 1¼ *tahil*. If he is *daᶜif*, i.e. unable to pay the fine, he shall undergo the *taᶜzīr* punishment as already mentioned. According to the rules of law, he shall not be further prosecuted for *angkara*. Such is the law.

Chapter 19. Rules concerning fruits in someone's compound or a town in the land.

19.1 If he (i.e. the new owner of a compound) refuses to let the (old) owner eat (the fruits) together, and if he has sold the fruits, (the old owner) may request the value thereof (to be divided into) three parts, two parts go to the (new) owner of the compound, one part goes to the old owner. If he (the new owner) refuses to give this (payment), and he gets angry and cuts down the trees, the (old) owner may lodge a complaint with the judge, then the judge shall order that one quarter of the value of the trees be given (to the old owner). Such is the custom concerning trees in someone's compound, and as for the fruits, (they are to be divided) in accordance with custom, which is also one third. If the (new) owner of a compound sells its fruits, he can be sued by the old owner unless the compound or village (in question) is a royal bestowal, then no lawsuit is possible. That is a case which can no longer become a subject of litigation, the decision (as to ownership) is decisive.

If people such as a Chief Minister or high dignitaries give a compound to somebody without the knowledge of the ruler, that (compound) can also become the subject of lawsuit, because the owner has been unable to present his case to the ruler. If a high dignitary takes away a (certain) person's compound or a village and gives it to someone else and the

diberinya akan seseorang, maka[9] oleh yang empunya kampung itu dipersembahkannya kepada raja. Maka raja pun bertitah. Itupun tiada dapat dida^{c}wa [10]oleh yang empunya kampung itu[10], karena sudah dengan setahu raja.

19.2 Adapun segala hukum gadai dusun itu dua perkara: suatu harus gadai[11], kedua harus ganda[12]. Adapun yang harus ganda itu iaitu seperti seorang bergadai dusun kepada orang atau kampung yang ada[13] tanamannya[14]. Maka tiada berbuah[15] kepada yang memegang gadaian[16] itu selama-lamanya itu. [17]Maka beberapa tahun dinantikannya, maka tiada juga berbuah[17], maka iaitu dapat digandakannya oleh yang empunya emas itu.

Adapun yang tiada[18] dapat digandakan itu seperti dusun nyiur pinang[19] atau barang sebagainya tiada[20] dapat lagi ganda hukumnya. Jikalau digandakan, maka diberinya tahu kepada hakim, [21]maka hukumlah[21] akan lawannya mereka itu.

Adapun jikalau ia mendapat [22]barang suatu benda yang gharib[22] kepada kampung orang yang dipegang gadai itu, [23]dibahagi sepertiga hukumnya[23], [24]yang sebahagi pada yang memegang gadai itu dan yang dua bahagi pada yang empunya tempat[24], [25]karena lagi ia menunggu pada tempat itu[25]. Demikian lagi kampung [26]yang dinugerahai oleh[26] orang besar-besar akan seseorang; jikalau ia mendapat, dibahagi dua, yang mendapat itu sebahagi, yang empunya itu sebahagi. Demikianlah hukumnya.

19.3 Adapun hukum dusun yang tiada bertu(ng)gu[27], maka oleh seseorang duduk ia pada dusun itu, maka dimakannya[28] buahnya dan dijualnya, maka datang tuannya, itupun dapat dida^{c}wa oleh tuannya. Demikian lagi segala orang yang kena murka raja, maka lari ia[29] daripada negeri [30]itu kepada negeri[30] yang lain, sebab takutnya. Hatta maka dusunnya kampungnya tinggallah, maka diambil orang kampungnya dan dusunnya, itupun dapat dida^{c}wanya oleh tuannya itu, karena haknya; itupun jikalau[31] diberi orang tahu kepada hakim, [32]maka oleh hakim[32] disuruhnya kembalikan kepada tuannya juga. Demikianlah hukumnya itu.

(new) owner informs the ruler (about the matter): if the ruler gives his sanction, the (old) owner of the compound cannot proceed against (the new owner), because it (the transfer of the compound) occurred with the knowledge of the ruler.

19.2 With regard to rules relating to the mortgaging of villages, there are two cases: first, (the village) that may be mortgaged, second, (the loan) that may be doubled. Concerning the latter, it works like this, e.g. a man mortgages his village or (mortgages) a compound which has plantation to somebody, then (if) the village does not yield fruits for the mortgagee for a long period of time, (and) the mortgagee has waited for a number of years and still it does not yield any fruits, then the mortgagee can claim double (the amount of money given as loan).

Concerning a loan that cannot be doubled: for instance villages with coconut palms, or areca palms and such like (the money given) cannot be doubled. If the mortgagee claims double (the amount) and the mortgagor informs the judge, then the judge will give his decision against the mortgagee.

If a man (mortgagee) finds something very rare in a compound which he holds under mortgage, the rule is that he be given one third, i.e. one third goes to the mortgagee, and two thirds go to the owner of the compound (i.e. the mortgagor), because the latter still owns the place. The ruling is similar to that concerning a compound bestowed by a high dignitary on someone: if he (the new owner) finds (something valuable), it is divided into two (parts), the finder (the new owner) (gets) one part, the (former) owner one part. Such is the law.

19.3 With regard to rules relating to a village which has been deserted: (If) someone settles in it, eats the fruits thereof and sells them, he can be sued by the owner when the latter returns. The same (ruling) applies to all who have come under royal wrath and have fled from the country for fear, leaving their villages and compounds deserted. (If) their compounds and villages are occupied by someone, then also they as owners can sue (the occupant), because it is their property by right. Therefore, if someone informs the judge (about this), the judge shall order that it (the property) be returned to the owners. Such is the law.

20.1 Fasal yang kedua puluh pada menyatakan
hukum tanah perhumaan [1]atau bendang atau sawah atau
ladang[1]. Adapun tanah itu atas dua bahagi, suatu tanah
hidup, kedua tanah mati. Adapun tanah mati itu tiada
siapa yang empunya hak, tiadalah [c]alamatnya empunya dia,
niscaya tiadalah ada lagi perkataannya pada tanah itu.
Jikalau diperbuatnya huma atau [2]ladang atau sawah atau
bendang[2], tiada siapa dapat[3] berkata-kata lagi akan
dia. Itulah tanah mati namanya.

Adapun akan tanah hidup itu iaitu ada
[c]alamatnya daripada[4] perigi atau pohon kayu-kayuan
yang dimakan buahnya[5], atau ada [c]alamatnya tempat
perhumaan orang. Maka jikalau diperbuatnya kampung
atau rumah atau huma[6] [7]atau barang sebagainya[7] itu,
di dalam perkataan orang, lagi dapat dida[c]wa orang,
karena tanah hidup namanya[8] itu. Jikalau digagahi,
didenda oleh hakim sepuluh emas akan orang itu.

Adapun jikalau diperbuat dusun, maka
jadi dusun itu, maka oleh yang empunya tanah [9]itu
dida[c]wa, diberinya harga tanah itu bahagi tiga, dan
yang empunya tanah itu sebahagi[9], dua bahagi akan orang
yang menanam dia itu. [10]Adapun seperti sawah dan bendang,
itupun demikian juga [c]adatnya[10].

20.2 Adapun jikalau diperbuat[11] huma [12]atau
ladang akan tanah hampa itu tiada dengan[12] setahu yang
empunya tanah itu, maka dida[c]wanya oleh yang empunya
tanah itu, jikalau digagahinya, kena denda sepuluh emas.

Adapun tanah yang ditinggalkan [13]oleh
tuannya itu, jikalau diperbuat kebun atau barang
sebagainya[13], setahil sepaha didendanya oleh hakim,
karena ia menggagahi yang empunya tanah itu, melainkan
suka[14] yang empunya tanah itu juga, maka tiada lagi
perkataannya. Itulah hukum tanah hidup. Maka tetaplah
hukum itu pada negeri atau dusun [15]atau teluk dan
rantau atau anak sungai sekaliannya pun[15] dihukumkan
oleh hakim. [16]Demikianlah [c]adatnya[16].

Chapter 20. Rules regarding land under cultivation or rice-fields, both irrigated and unirrigated.

20.1 There are two kinds of land, first, the "living land"; and second, the "dead land". With regard to "dead land", nobody has property rights to it, (when) there is no sign of its being under cultivation by someone, (then) certainly nobody can lay a claim to that land. If someone cultivates it into (a rice-field, be it) a *huma* or *ladang* or *sawah* or *bendang*, no one can proceed against him. That is what is understood by "dead land".

Concerning "living land", here there are signs of ownership, be it a well, or trees whose fruits are for consumption or other signs of its being under cultivation by someone. If a man makes a compound or builds a house (on that piece of land) or cultivates it into a *huma* rice-field and so on, he is open to public criticism and may even be sued, for the land (in question) is known as "living land". If he trespasses upon (such land), he shall be fined ten *emas* by the judge.

If a man cultivates a piece of "living land" and (that land) develops into a (flourishing) village, then the owner of the land brings a charge against (the cultivator), the value of the land is to be divided into three (parts), one part goes to the owner of the land, two parts go to the cultivator. With regard to other types of rice-fields, such as *sawah* and *bendang* the custom is also the same.

20.2 If a man cultivates a piece of empty land as a *huma* or as a dry rice-field without the knowledge of its owner, then he may be sued by the owner; if (it is proved that) he has violated (another's property rights), he shall be fined ten *emas*.

With regard to (a piece of) land deserted by its owner, if a man turns it into a plantation or such like, he shall be fined 1¼ *tahil* by the judge, because he (the cultivator) has violated (the property rights of) the owner, except when there is consent on the part of the landowner, then there will be no further legal proceedings. These are the rules pertaining to "living land". These rules are established in the land, the villages, the remotest districts and the rural areas and are administered by the judge. Such is the custom.

21.1 Fasal yang kedua puluh esa pada menyatakan hukum kerbau dan lembu yang nakal. Jikalau ada kerbau [1]atau lembu[1] itu [2]ditambat pada[2] jalan orang yang lalu lalang, maka oleh kerbau atau lembu itu ditanduknya orang itu, luka, didendanya setahil sepaha yang menambat[3] dia. Adapun jikalau mati orang yang ditanduknya itu, [4]kenalah seharganya dengan orang itu. Jika merdehika, kenalah seperti [c]adat itu[4], karena taḳṣīr ia[5] menambat kerbau itu pada bukan tempatnya itu. Demikianlah hukumnya.

Dan demikian lagi lembu atau kerbau yang nakal, jikalau ditambatnya pada hutan yang tiada tahu tempat orang[6] lalu lalang di sana, maka ditanduknya orang, luka atau mati, maka dibunuhnya kerbau [7]atau lembu itu atau disembelihnya itu juga[7], tiadalah perkataannya lagi. Demikianlah hukumnya itu.

Adapun jikalau jahat menanduk samanya kerbau juga, tiada [8]lain lagi kerjanya[8] ditangkap. Jikalau dibunuh oleh orang, didenda setengah harganya.

21.2 Adapun jikalau ia menikam kerbau bendahara atau temenggung atau orang besar-besar atau penghulu bendahari[9] atau syahbandar, masuk ulur juga; demikianlah hukumnya. Adapun jikalau ia menikam[10] kerbau orang lain daripada itu, tiada masuk ulur [11]melainkan mengganti kerbau orang itu atau lembu barang berapa patut harganya dan dendanya sepuluh emas.[11] Jikalau kerbau itu menanduk, maka ditikamnya, mati sahaja. [12]Jikalau tiada ia menanduk, maka ditikamnya, diganti seharganya[12].

Adapun jikalau kerbau itu sangat nakal akan pagar[13] orang [14]atau barang sebagainya pada malam atau siang[14], tiada[15] lagi dikandangkan oleh tuannya itu, jikalau dibunuh orang pada malam, tiada lagi mengganti; jikalau dibunuh pada ketika siang[16], kena setengah harganya juga.

Adapun jikalau dibunuh di padang atau pada jalan daripada sakit hatinya itu, kena seharga

Chapter 21. Rules concerning mischievous buffaloes or oxen.

21.1 If a buffalo or an ox is fastened in a public pathway and the buffalo or ox gores and wounds someone, he who so tied the animal, shall be fined 1¼ *tahil*. If the man (a slave) so gored dies, the full value of the slave has to be paid (to his master). If he (the man so wounded) is a free man, he (who tied the animal) shall be fined according to custom, because of his negligence in having tied a buffalo at an unsuitable place. Such is the law.

And further, if a mischievous ox or buffalo is tied in a wooded area which is not usually used as a thoroughfare, and a person is wounded or gored to death, the buffalo or ox is to be killed or slaughtered and there will be no further legal proceedings. Such is the law.

If a buffalo is wicked and continuously gores other buffaloes, it should be seized. If it is killed, a fine of only half of its value shall be incurred.

21.2 If a man stabs a buffalo belonging to the Chief Minister, the Police-Chief or a high dignitary or the Treasurer or the Harbour-master, he has to become a slave (of the owner). Such is the law. But if he stabs a buffalo belonging to people other than those mentioned, he does not (have to) become a slave but he does have to pay an adequate price for the buffalo or ox (killed) and (furthermore) he shall be fined ten *emas*. If the buffalo tries to gore someone and is stabbed to death, the buffalo simply dies, i.e. no legal proceedings are possible. But if the buffalo does not gore any one and is (still) killed, the full value of the buffalo has to be paid in compensation (by the killer).

If a buffalo mischievously causes great damage to another's fences or any kind of damages, be it during the night or in the daytime and the owner is unable to keep it in its pen, no compensation shall be given in the event of the buffalo's being killed by someone at night. If it is killed in the daytime, only half of its value has to be paid.

If it is killed in an open field or on a road out of malice, the killer

kerbau itu juga dengan[17] tiada bersalahan lagi harganya itu.

Adapun orang membunuh kerbau orang kepada kandangnya itu kena seharga kerbau itu, lagi didenda setahil sepaha.

Adapun jikalau seseorang membunuh kerbau yang makan di padang atau di hutan, maka[18] itupun kena setengah harganya lagi didenda sepuluh emas oleh hakim, karena angkara kepada hidupan orang. Demikianlah hukumnya kerbau atau lembu atau kambing dibunuh dengan angkaranya akan[19] hidupan orang itu. [20]Demikianlah hukumnya[20].

Adapun hukum orang mencuri[21] kambing orang itu sepaha dendanya dan harganya kambing itupun dibayarnya. Adapun [22]jikalau kambing itu[22] kambing ra[c]yat sekadar[23] harganya juga dibayarnya kepada yang empunya kambing itu, tiadalah[24] didenda lagi atasnya.

21.3 Adapun jikalau orang mendapat kerbau yang liar yang tiada masuk kandangnya, sepertiga juga harganya. Adapun jikalau[25] kerbau itu tiada liar sangat, kira-kira atas harganya; jikalau harga setengah tahil, [26]seemas dibayarnya[26] akan upahnya; jikalau harga sepaha, dua kupang akan upahnya.

Adapun jikalau kerbau itu jalang, tiada dapat melihat orang, sama bahagi harga akan[27] upahnya. Demikianlah hukum [28]kerbau atau lembu[28] pun tiada lagi bersalahan.

22.1 [1]Fasal yang kedua puluh dua pada menyatakan[1] hukum huma dan ladang yang terbakar oleh orang lain itu; jikalau hangus, tiada apa lagi salahnya. Adapun jikalau tiada hangus, maka disuruh orang itu memerunnya, jikalau tanah itu orang kaya-kaya. Jikalau [2]tanah itu[2] orang kebanyakan empunya dia sekadar sebahagi diperunnya juga hukumnya.

[3]Adapun demikian lagi hukum membakar huma yang tiada tahu sama teman[4] yang berhuma itu[3].

has to pay the full value of the buffalo and there can be no discrepancy about its value.

A man who kills someone else's buffalo in its pen has to pay the full value of the buffalo and in addition, he shall be fined 1¼ *tahil.*

Besides, a man who kills a buffalo which is grazing in (his own) field or in a wooded area (of which he is the owner) has to pay half of its value and in addition, he shall be fined ten *emas* by the judge, because (the offender) has acted arbitrarily against another's live-stock. Such is the law pertaining to buffaloes or oxen or goats killed without any regard for another's live-stock. Such is the law.

A man who steals a goat (belonging to a dignitary) is to be fined one *paha* and has to pay the value of the goat. If the goat (stolen) belongs to an ordinary subject, he (the thief) only has to pay the value (of the animal) to its owner. No further fine shall be inflicted on him.

21.3 If a man captures a wild buffalo which has strayed away from its pen, (the reward is) one third of the value of the buffalo. If the buffalo is not very wild, it (the reward) will be subject to negotiation. (Normally), if the value is half a *tahil,* one *emas* will be given as reward; if the value is one *paha,* two *kupang* (will be given) as reward.

If the buffalo is running wild and cannot abide the presence of men, half of its value is to be given as reward (to the man who seizes it). Such is the law regarding buffaloes and oxen and there is to be no divergence (from the rules).

Chapter 22. Rules pertaining to huma or ladang (for cultivation), set on fire by other people.

22.1 If it is completely burnt, no offence has been committed. If it is not burnt (completely), the man (who set fire to it) shall be ordered to burn it up completely (but only) if the land belongs to a rich man. If the land belongs to a commoner, the law is that he is required to burn only part (of the land for cultivation).

The same rule applies to the burning of *huma* (for cultivation) where the fellow cultivator is unknown.

22.2 Adapun pagar huma itu, jikalau orang sudah <memagar>[5], maka orang yang lain itu tiada <memagar>, maka dimakan babi atau dimakan kerbau, mengganti padi orang itu, karena taḳṣīrnya tiada terpagar[0] olehnya itu. Jikalau habis padi orang itu [7]dimakan binatang[7], menganti semuanya itu. Demikianlah hukumnya.

22.3 Adapun hukum orang mencuri pagar huma atau mencuri[8] tanaman orang, jikalau bertemu dengan tuannya, dirampas barang yang dibawanya itu ya[c]ni seperti keris[9] atau pisau atau parangnya sekalian itu diambil dan diikat, dibawa kepada tuannya. Itulah hukumnya.

23.1 Fasal kedua puluh tiga[1] pada menyatakan hukum orang binasa dan orang lapar, karena sebab negeri itu mahal beras padi. Adapun jikalau negeri itu bermusuh atau datang bala Allah atas negeri itu dan atas[2] orang besar-besar dalam negeri itu, maka laparlah segala manusia dalam negeri itu daripada tiada ada makanan. Maka kata segala yang miskin dan orang yang hina dan fakir [3]dan darwis[3]: "Ambillah kami akan hamba tuan, berilah kami makan. Jikalau kami diberi makan, juallah kami." Maka diberinya makan oleh segala yang ada menaruh makanan. Hatta[4] berapa lamanya, maka negeri itupun lepas daripada bala lapar itu. Maka oleh yang empunya makanan itu hendak dijualnya segala yang diberinya makan itu. Maka diadukannya kepada hakim [5]oleh segala[5] orang yang hendak dijualnya itu. Maka tiada diberi oleh hakim dijual orang itu, karena [6]ia masa[6] berjanji itu tengah darurat, hanya disuruh hakim beri setengah harga juga kepada yang empunya makanan itu.

23.2 Adapun jikalau ada ia hamba orang tiada diberi makan oleh tuannya. Maka hak makanannya itu disuruh hakim mengerjakan yang empunya makanan itu empat musim atau lima musim, maka dikembalikan dengan itu kepada

22.2 Concerning a piece of land under cultivation: if other people have fenced (the land) except one person who fails to do so, and the rice-crops are eaten by pigs or buffaloes, he (the person who was negligent) has to restore the others' rice-crops (damaged) through his negligence, as he did not fence his piece of land. If the whole rice-crop is eaten by the animals, (he has) to compensate for all of it. Such is the law.

22.3 Rules pertaining to people who steal the fences of a *huma* (rice-field) or somebody else's (farm) produce; if he (the thief) is encountered by the owner (of the property), whatever he (the thief) carries with him shall be forfeited, be it a kris, a knife, or a sword, all shall be taken (from him) and (the thief) will be bound and brought to his master. Such is the law.

Chapter 23. Rules concerning people who are ruined and those who are hungry because of the high price of rice.

23.1 If a land is at war or a natural disaster has hit the land and its dignitaries, and all the people of the land are suffering from hunger, because of a shortage of provisions, and all the people who are poor and destitute, and people from the low classes (of society) and the religious mendicants are saying: "Take us as your slaves, give us food. If we are given food, you may later sell us". And they are given food by those who have food in reserve. After some time, when the famine is over, the providers of food wish to sell all those to whom they have given food. The latter, who are being offered for sale, make a complaint to the judge. The judge will not allow these people to be sold, because they, when (they) agreed (to enslave themselves), were in an emergency. They are only ordered by the judge to pay half of their value to the owners of the provisions.

23.2 If a slave is not provided with food by his master (the food is provided by another person), the judge will order (the slave) to work for the provider of food four or five seasons in repayment, then the slave

tuannya. Adapun jikalau mati di dalam suruhan yang empunya makanan itu: jikalau dengan setahu hakim, tiadalah lagi kena harganya hamba orang itu. Adapun jikalau tiada dengan setahu hakim mati hamba orang itu, kena setengah harganya juga pada yang empunya makanan, karena ia ditebus[7].

23.3 Adapun akan orang yang karam di laut, maka didapat orang di tengah laut, maka kata orang yang karam itu: "Ambillah hamba oleh tuan[8], hendak dijual pun baik, hendak diperhamba pun baik, daripada hamba akan mati dalam laut ini, [9]baiklah tuan perhamba[9]." Maka diambilnya orang akan dia itu. Maka[10] diberinya makan dan disuruhnyalah bekerja atas barang kerja yang empunya jung atau baluk. Hatta beberapa[11] lamanya, maka sampai ia ke negeri orang, maka hendak dijualnya oleh orang yang mendapat itu. Maka pergi ia mendapatkan[12] syahbandar, [13]maka dipersembahkannya hal ahwalnya itu[13]; maka dihukumkan oleh syahbandar[14] kena[15] setengah harga juga, [c]adatnya[16] tiadalah diikut akan kata orang yang karam itu akan katanya minta jual itu, karena itu dalam daruratnya[17].

Adapun jikalau orang karam itu [18]ada hartanya, hanya beras[18] juga tiada kepadanya, maka didapat orang berlayar di laut, maka ia minta ambil kepada nakhoda[19] jung atau baluk itu, maka diambilnya [20]oleh nakhoda itu akan orang yang karam itu[20]. Berapa lamanya maka sampailah ke negeri[21], maka dihukumkan oleh hakim akan segala merdehika itu sepaha[22] kepada seorang. Adapun jikalau ia [c]abdi, kena tiang[23] belah kepada seorang, [24]membayar kepada nakhoda itu, lagi membayar harga makanan kepada nakhoda itu atas barang patutnya[24] tiada lebih daripada demikian itu [c]adatnya[25] kepada seorang.

23.4 Adapun jikalau ada ia menaun di pulau sebab angin ya[c]ni binasa, maka orang itu merdehika, lima emas kenanya. Jikalau ia[20] [c]abdi, tujuh emas pada seorang.

Adapun jikalau nakhoda itu menaun sebab

is returned to his master. If (the slave) dies in the service of the provider of food: if it is with the knowledge of the judge, he (the provider of the food) shall not be ordered to pay the (full) value of the slave; if it is (done) without the knowledge of the judge and the slave dies, half of the value of the slave has to be paid by the provider of food, because the slave could still be redeemed.

23.3 Regarding people shipwrecked and rescued at sea. A man so wrecked says (to his rescuer): "Please rescue me, Sir. Even if you wish to sell me (later), I consent, if you wish to make me your slave, I consent. Instead of dying here at sea, I prefer that you take me as your slave". The person (so wrecked) is rescued, given food and ordered to do all sorts of work which the owner of the junk or small vessel may care to ask him. After some time, he (the person rescued) reaches a country, and the rescuer wishes to sell him (the rescued). The latter then goes to present himself to the Harbour-master and respectfully narrates what has befallen him. The Harbour-master shall then pronounce as his judgement that he (the person rescued) shall pay only half of his value, (as) it is customary not to heed the words of a shipwrecked person, when he says he is willing to be sold (as slave), because such words are uttered at a time of distress.

If a shipwrecked person has property but has no rice: if seafarers come upon him and he requests to be taken along by the Master of a junk or a small vessel and the Sea-Captain does so. Then after some time, when the vessel reaches land, the judge shall pronounce that every free man (so rescued) shall pay one *paha* each (to the Sea-Captain). In the case of slaves, every one of them is to pay (a) *tiang belah* to the Captain and in addition, (they must) reimburse the Sea-Captain for the cost of the food consumed adequately, but no more than that (amount). Such is the custom to be followed by every one.

23.4 If a person spends a year on an island, due to heavy storm, i.e. (because his ship) was wrecked: if he is a free man, he shall have to pay five *emas*. In the case of a slave, it is seven *emas* per person.

If a Sea-Captain overstays (at a certain sea-port) due to business

berniaga nakhoda[27] itu, tiada lebih lagi hukumnya itu, karena taḳṣīrnya nakhoda akan jung dan baluknya itu[28].

23.5 Adapun hukum[29] orang mendapat perahu: apabila lalu ke laut[30], tebusnya setengah harga[31]. [32] Dan jikalau sehingga baharu hanyutnya itu didapat orang, sekupang tebusnya.[32] Itupun jikalau ada[33] perahu itu panjang [34]lima depa[34]. Adapun jikalau perahu itu kecil, dua kenderi tebusnya. Itulah [c]adatnya[35]. [36]Adapun yang[36] tiada harus ditebus itu atas tiga[37] perkara: pertama-tama[38] perahu itu dikerat orang talinya, maka tiada harus ditebusnya. Jikalau ada ia jauh sekalipun hanyutnya tiada harus ditebus oleh tuannya. Kedua perkara perahu itu dicuri orang, dibawanya lalu hanyut jauh, itupun tiada juga harus ditebus oleh tuannya. Ketiga perkara perahu raja-raja atau perahu orang besar-besar dalam negeri itu yang empunya dia, itupun tiada harus[39] ditebusnya melainkan [40]jikalau ada derma kurnianya[40] akan[41] orang yang mendapat dia itu. Demikianlah [c]adatnya.

Adapun hukum orang mendapat sampan hanyut, jikalau [42]hanyutnya itu ke laut tetapi lagi kelihatan dari darat[42], maka ada[43] harta dalamnya, maka didapat orang sampan itu, kemudian maka dipinta[44] oleh tuannya, maka dibahagi tiga harta itu, akan tuannya dua bahagi, akan yang mendapat itu sebahagi, dan tebusnya itupun diberi oleh yang empunya sampan itu seperti [c]adat yang telah tersebut.

[45]Adapun jikalau hanyutnya itu jauh ke laut tiada kelihatan dari darat[45], maka ada harta di dalamnya, maka hukumnya[46] dibahagi dua[47], [48]sebahagi akan tuannya[48], sebahagi akan orang mendapat. Demikianlah hukumnya. Jikalau digagahi [49]oleh yang empunya itu, maka [49] diberinya tahu kepada hakim oleh orang yang mendapat itu, maka dihukumnya oleh hakim seperti yang tersebut dahulu juga hukumnya.

24.1 Fasal yang kedua puluh empat[1] pada menyatakan

dealings, (and misses the monsoon and cannot proceed to another port), the fine inflicted is the same (as above), because the Sea-Captain is held negligent towards the junk or small vessel (for which he is responsible).

23.5 Regarding the recovery of a *perahu*: if it has drifted out to sea, the 'ransom' is half of the value (of the *perahu*). But when it has just begun to drift away and is then recovered, the 'ransom' is one *kupang*: this only applies when a *perahu* is five fathom long. If the *perahu* is small, the 'ransom' is two *kenderi*. Such is the custom.

There are three cases in which a *perahu* need not be redeemed. First, if the rope which fastened the *perahu* has been cut by someone, it need not be redeemed; even if it has drifted far away, ransom need not be paid by its owner. Second, the *perahu* was stolen, borne away and later set adrift, ransom also need not be paid by its owner. The third case (concerns) a *perahu* belonging to royal persons and people of high rank in the country: in this case, too, ransom need not be paid unless the owners are benevolent and graceful towards the person who recovers the *perahu*. Such is the custom.

Rules regarding the recovery of someone's shoe-boat which has drifted out to sea but is still visible from the land: and there are goods in it, and the shoe-boat is recovered by someone; (and) if subsequently the owner requests (its return), the value of the goods shall be divided into three parts: two thirds for the owner, one-third for the recoverer of the shoe-boat and in addition, the owner of the shoe-boat has to pay a reward according to the custom mentioned above.

If the shoe-boat has drifted far out to sea and is no longer visible from the land, and there are goods in it, the rule is to divide (the goods) into two parts, one half for the owner, and one half for the recoverer. Such is the ruling. If the owner refuses (to obey this ruling), the recoverer may lodge a complaint with the judge and the judge shall pronounce his judgement in accordance with what has just been mentioned before.

Chapter 24. Rules regarding the theft of slaves in a foreign land.

24.1 If a ruler's slave is stolen, the thief must be killed and (all) his

hukum orang mencuri hamba orang di dalam negeri orang[2].
Adapun jikalau hamba raja [3]dicuri itu harus dibunuh
yang mencuri itu dan segala hartanya itu dirampas. Jikalau
nakhoda sekalipun demikian juga hukumnya[3]. Adapun
jikalau hamba orang besar-besar atau hamba bendahara,
[4]maka akan orang yang mencuri itu dibunuh juga, maka
[didenda][5] nakhoda empunya perbuatan itupun demikian
juga hukumnya[4]. Adapun jikalau hamba segala bala tentara
dan ra^{c}yat dicuri oleh nakhoda itu, [6]itupun dibunuh
juga hukumnya atau didenda sepuluh tahil sepaha, itupun
istima hakim akan dia[6].

Adapun jikalau nakhoda itu mencuri hamba
syahbandar, [7]itupun dibunuh juga hukumnya dan dirampas
segala hartanya atau didenda sekati lima, karena
syahbandar itu ibu bapa segala dagang melainkan ampunnya
juga lagi akan nakhoda itu dan segala mereka itu sekalian[7].
Demikianlah hukumnya.

Adapun hukum nakhoda melarikan [8]cukai
kharajat[8]. Jikalau datang pula ia[9] ke negeri itu, dirampas
hukumnya [10]atau didendanya iaitu dua kali cukai, karena
ia dua kali datang ke negeri itu[10], lagipun[11] ia
mendayakan[12] orang besar-besar dan syahbandar di dalam
negeri itu, melainkan ampun dan kurnia raja juga
[13]lagi syafa^{c}at syahbandar, karena biadab lakunya[13]
di dalam negeri itu.

24.2 Sebermula, akan hukum orang berwakil itu
tiga perkara. Adapun jikalau ada orang berwakil daripada
emas atau perak atau kain atau beras atau barang sebagai-
nya, maka kata yang berwakil itu: "Berikan emas atau
perak hamba ini kepada saudara hamba itu." Maka oleh
yang memegang wakil itu diberikannyalah kepada saudara
orang itu, maka tiadalah lagi ada perkataannya itu.
Dan jikalau diberikannya kepada[14] anaknya, maka
[15]habis dimakannya dan dibelanjakannya oleh anaknya itu,
maka habislah emas itu; antara itu[15] maka ditanya[16]
oleh yang [17]empunya itu: "Sudahlah sampai wakil
hamba itu kepada saudara hamba?"[17] Maka katanya:
"Sudahlah hamba berikan kepada (anak)[18] tuan itu di hadapan
si polan itu[19]." Maka jawab yang berwakil: "Hamba suruh

property confiscated. Even in the case of a Sea-Captain (committing the theft), the rule is the same. If the slave (stolen) belongs to a high dignitary or the Chief Minister, the thief is also to be killed; likewise, if a Sea-Captain is guilty of such an offence, the ruling is the same. If a slave belonging to an ordinary soldier or subject is stolen by a Sea-Captain, the ruling is that he (the Sea-Captain) shall either be killed or be fined 10¼ *tahil*. This is left to the discretion of the judge.

If a Sea-Captain steals a slave of the Harbour-master, the ruling is that either he shall be killed and his property confiscated or he shall be fined one *kati* and five (*tahil*), (this is) because the Harbour-master is the "father and mother" of the foreign merchants, (no one) but he alone can pardon the Sea-Captain and any one (who is guilty of such an offence). Such is the law.

Regarding a Sea-Captain who avoids customs duties: if he returns to the country again, the law is that either (his goods) shall be confiscated or he shall be fined twice the customs duties, (this is) because he has twice entered the country, and furthermore, he did outwit the high dignitaries and the Harbour-master of the country (and) his conduct was uncivilized. (None) but the ruler can grant him (the Sea-Captain) royal pardon and that only at the intercession of the Harbour-master.

24.2 With regard to rules governing consignment, three cases can be distinguished. If a person wishes to consign a certain amount of gold, silver, cloth or rice and so forth, and says: "Give this gold or silver of mine to my brother", and the consignee delivers it to that man's brother, there can be no further dispute (about this transaction). (But) if the consignee delivers it to that man's son and the latter spends it for food or other necessities of life, and the money is completely used up: and later the owner inquires (of the consignee): "Has my consignment reached my brother already?" And the consignee answers: "I have given it to your son in the presence of so and so", and the consigner retorts:

berikan kepada saudara hamba juga, mengapa maka tuan
berikan kepada anak hamba itu?" Maka jadilah berbantah
keduanya, kemudian maka diadukannya kepada hakim. Maka
disuruh hakim minta surat wakilnya kepada yang memegang
wakil itu, [20]maka suratnya tiada, karena ia berwakil
itu tiada dengan surat, maka tiadalah lagi ia mengganti
emas itu. Jikalau ada ia bersurat yang berwakil itu, maka
[ia mengganti,
karena nyata wakilnya itu. Maka[20] tatkala[21] dilihat
oleh hakim ada dalam suratnya [22]itupun disuruh[22] berikan
kepada saudaranya, tiada disuruh berikan kepada anaknya
itu. Hatta maka dipanggil oleh hakim anaknya itu. Maka
disuruh hakim[23] kembalikan[24] emas[25] itu kepada tempat
bapanya berwakil itu. Adapun yang demikian itu, jikalau
masyhur anaknya itu jahat afᶜalnya, maka demikianlah
hukumnya. Adapun jikalau tiada masyhur[26] anaknya itu
jahat afᶜalnya, akan emas itu setengah dapat[27] kepada
yang memegang wakil itu.

Kedua perkara, jikalau ada sama di dalam
negeri itu anaknya dan orang yang memegang wakil itu
dan yang berwakil itu, [28]semuanya dipanggil oleh hakim,
dipersemukakan dengan yang memegang wakil itu[28], maka
tiadalah lagi ia mengganti pada[29] yang empunya emas itu.

[30]Ketiga perkara, jikalau ada anaknya itu
berᶜaib perbuatannya, maka kenalah daᶜwanya yang ber-
wakil itu[30] kepada yang memegang wakil itu, [31]disuruh
oleh hakim anaknya itu atau orang lain kembalikan
emas itu pada wakil bapanya[31]. Adapun anaknya
[32]itu baik[32] tiada jahat, maka dipintanya emas bapanya[33]
itu kepada yang memegang wakil bapanya itu, [34]maka
tatkala ia meminta emas bapanya[34], diberinya tahu
segala hakim[35], [36]maka yang memegang emas wakil bapanya
itupun pergilah ia[37] memberi tahu hakim pula, maka
diserahkanlah harta bapanya kepada anaknya itu. Maka
tiadalah dapat didaᶜwanya oleh bapanya kepada yang
memegang wakil[36] itu, jikalau habis sekalipun emas itu,
karena sudah dengan[38] setahu hakim, lepaslah taḳṣīrnya[39]
yang memegang emas itu. [40]Maka tiadalah aṣīl lagi
daᶜwanya yang empunya itu kepada yang memegang wakil
itu[40]. Demikianlah ᶜadatnya hukum wakil adanya.

"I asked you to give it to my brother, but why have you given it to my son?" and a dispute ensues between the two (and) subsequently they bring (the case) before the judge, then the judge will ask for the letter of consignment from the consignee. And if there is no letter, because he, the consigner has not given any letter, the consignee is not obliged to replace the money. If the man (the consignee) has a letter from the consigner, he must give compensation, because the consignment is clearly stated. When the judge sees from the letter that the consigner requested the consignee to give (the consignment) to his (the consigner's) brother, and that he did not order (the consignee) to give it to his son, then the judge will summon the man's son and order him (the son) to return the money to the person to whom his father has given the consignment. But this ruling applies only, if the conduct of the man's son is known to be very bad. But if the conduct of the son is not known to be very bad, half of the (original) amount is to be returned to the consignee.

The second case: if all (concerned) are present in the country, (namely) the consigner's son, the consignee and the consigner, all of them will be summoned by the judge in order to be confronted with the consignee and the consignee shall not pay the whole amount of money in compensation to the consigner.

The third case: if the son is of bad character, the consigner can sue the consignee (and) the judge shall order the son or someone else to return the money to the consignee. If the son is of good character, and not wicked, and he asks his father's consignee for his father's money: (and) when he makes this request, he also informs the judge. His father's consignee also goes to inform the judge, and the property is given to the man's son. In this case, the consignee cannot be sued by the father, even if the money is completely used up, because it was done with the knowledge of the judge. The consignee cannot be held negligent. The consigner's charge against the consignee cannot be established. Such is the custom governing the rules of consignment.

25.1 Fasal yang kedua puluh lima[1] pada menyata-
kan hukum [2]orang berwali[2]. Apabila [3]ada perempuan itu[3]
berbapa atau bernenek atau bersaudara laki-laki, itulah
akan walinya perempuan itu. Jikalau ada anaknya bikir,
maka tiadalah menjadi syarat pada bertanya reḍanya itu.
Adapun jikalau bikirnya itu besar ya[c]ni [c]akil baligh,
maka sunat ditanya reḍanya tetapi jikalau tiada ditanya
pun harus hanya tiada beroleh sunat pada suatu ḳaul aẓhar[4].
Adapun akan neneknya itu daripada pihak laki-laki, harus
bersuamikan dengan tiada (reḍanya)[5] anak perempuan yang
bikir itu iaitu daripada cucunya, karena bagi(nya) neneknya
itu wali mujbir. [6]Adapun mujbir itu iaitu yang dapat meng-
gagahi, itulah artinya mujbir[6]. Adapun akan anak perempuan
<balu>[7] itu maulah ia dengan izinnya juga, maka harus
dipersuamikan akan dia, karena izinnya itu syarat bagi
sah kahwinnya itu.

Adapun <thayyib>[8] yang kecil iaitu belum
lagi baligh. Jikalau [9]belum baligh[9] tiada sah bagi
bapanya dan neneknya bersuamikan dia, jikalau ada dengan
izinnya sekalipun, tiada dapat dinikahkan dengan laki-
laki itu. Demikianlah hukumnya melainkan [10]dinantikan
hingga baligh hukumnya itulah[10] maka harus[11] diper-
suamikan itu [12]pada suatu[12] ḳaul yang sah.

Adapun syarat baligh itu tiga perkara.
Suatu genap [c]umurnya lima belas tahun, kedua dengan ada
ḥaiḍ, ketiga ada [13]iḥtilām, artinya sampai ada tumbuh
bulu ari-arinya, itupun belum mu[c]tamad[13]. Itulah
[c]alamat baligh itu.

Adapun pada hukum wali itu, sama ada
bapa perempuan dan neneknya perempuan itu daripada
pihak laki-laki itu, kedua [14]itulah yang[14] bernama
wali mujbir. Adapun akan saudaranya dan bapanya dan
neneknya itu wali aḳrab[15] namanya, artinya aḳrab itu
iaitu keluarga yang hampir juga, harus mereka itu akan
wali. Adapun jikalau tiada wali aḳrab dan wali mujbir, maka
[16]haruslah hakim akan walinya[16].

Adapun syarat hakim akan wali itu: tatkala
tiada diperoleh[17] wali aḳrab; kedua[18] jauh wali itu
daripada negeri, kira-kira[19] ada sehari semalam genap[20]

Chapter 25. Rules concerning people who need a wali.

25.1 When the girl (in question) has a father, a grandfather or a brother (living), he is to be her *wali*. If the girl is (still) a virgin, it is not necessary to ask her consent (concerning a marriage), but when the girl is grown up, i.e. has come of age, it is *sunat* (recommended) to ask her consent: but if her consent has not been asked, it is still regarded as permissible, (but) according to a clear doctrine it is not recommended. A paternal grandfather can marry off a virgin girl who is his granddaughter without her consent, because her grandfather is, for her, a legal guardian with the power of coercion (*wali mujbir*). *Mujbir* means coercing, that is the meaning of *mujbir*. In the case of a (young) widow, he should get her consent, then he may give her in marriage, because, (in this case), her consent is necessary, if the marriage is to be valid.

Concerning a deflowered but unmarried girl who has not yet come of age, it is not legal for her father or grandfather to give her in marriage; even if she consents, she cannot be married to any man. Such is the law (and nothing can be done about it) except to wait until she has come of age, then she may be married off, according to a lawful legal doctrine.

The state of majority is dependent on three matters: first, having reached the age of fifteen (for both sexes); second, having the monthly periods (in the case of girls); and third, ejaculation at night (in the case of boys), that is to say, when they have pubic hair; this, however, is not in itself conclusive. Such are the signs of majority.

With regard to the law governing guardianship: both the father and the grandfather from the paternal side are called *wali mujbir* (guardians with the power of coercion). The brother, father and grandfather of the girl (in question) are all called *wali aḳrab*. The meaning of *aḳrab* is "very close relative". They are the people who ought to act as guardians. If no *wali aḳrab* or *wali mujbir* is available, only then may the judge act as her guardian.

Concerning the conditions when a judge may act as a guardian: (First), when there is no *wali aḳrab*; second, when the guardian is absent from the country for a (minimum) distance of about a whole

hingga [21]<safratu'l-ḳaṣr>[21] namanya. Dan jauh negeri itu dengan wali perempuan itu, maka harus hakim akan walinya. Ketiga tiada ada perempuan itu keluarganya iaitu yatim piatu[22], itupun hakim juga akan walinya.

Adapun [23]jikalau hasillah segala syarat yang tersebut itu[23], maka ia berlaku nikahnya itu kepada kitab Allah taᶜala.

25.2 Adapun syarat ḳaul pada lafaz [24]ijab kabul itu[24] pada kahwin itu. Adapun artinya ijab kabul itu adalah seperti dikata oleh walinya itu: "Kupersuamikanlah anakku si anu itu [25]akan isteri dikau[25]." Maka jawab mempelai itu [26]seperti yang tersebut di dalam hadith mengatakan "Ḳabiltu tazwījahā[26]" yaᶜni "telah kuterima ia akan isteriku." Itulah ijab kabul namanya.

Adapun jikalau ada bapanya perempuan itu fasik iaitu seperti zinah dan minum arak dan tuak atau barang sebagainya pekerjaan[27] yang haram, itupun tiada [28]harus akan walinya itu[28].

Adapun pada suatu ḳaul dan suatu wajah, tiada dapat perempuan itu [29]berwali kepada saudaranya yang fasik melainkan hakim walinya maka sah.[29]

26. Fasal yang kedua puluh enam[1] pada menyatakan hukum syaksi pada nikah. [2]Adapun sekurang-kurang syaksi pada kahwin itu empat orang, tetapi jikalau tiada empat, dua orang pun padalah[2]. Jikalau kurang daripada dua orang, maka iaitu zina(h)[3], tiada sah nikahnya itu. [4]Adapun orang yang boleh menjadi syaksi itu[4] orang yang salih [5]dan laki-laki yang ᶜadal lagi ᶜakil[5] mursyid dengan merdehika. Jikalau tiada salih atau[6] ᶜabdi atau perempuan tiadalah sah syaksinya itu melainkan atas[7] dua jalan jua[8]: suatu syaksi ḥaiḍ, kedua syaksi akan hamil tiada [0]lagi lain daripada itu[0]. Adapun akan kahwin itu tiada harus [10]bersyaksi kepada ᶜabdi atau orang yang fasik[10] atau perempuan atas ḳaul aẓhar, [11]adapun artinya pada maᶜna nyata[11]. Itulah syaksi hukumnya.

day and night's journey till what is known as *safratu'l-ḳaṣr* (i.e. the minimum distance), or the country is far away from (the dwelling place of) the legal guardian, then it is permissible that a judge shall act as her guardian. Third, (when) the girl has no relatives, i.e. she is an orphan, then also the judge may act as her guardian.

If all the conditions stipulated above are fulfilled, then the marriage will take place according to the (rules laid down in the) book of God Most High.

25.2 For a marriage to be valid, it is necessary that certain words (denoting) *ijab* (offer) and *kabul* (acceptance) be uttered (in the presence of a judge). The meaning of *ijab kabul* is, for example, (when) the guardian says, "I give in marriage my daughter so and so to you" and the bridegroom answers, e.g. with the formula as found in the Holy Tradition, saying, "*Ḳabiltu tazwījahā*", that is, "I accept her as my wife". This is what is termed *ijab kabul.*

If a woman's father is *fasik* (sinner), that is, (guilty of) unlawful intercourse, drinking alcoholic drinks or other similar offences expressly forbidden by religion, in this case, he is not permitted to act as her guardian.

According to one (legal) doctrine and one point of view, a woman cannot have a brother who is *fasik* to be her guardian. For her marriage to be (legally) valid only a judge must act as her guardian.

Chapter 26. Rules governing marriage witnesses.

For a marriage (to be valid), there should be at least four witnesses but if four witnesses are not available, two will be sufficient. If there are less than two witnesses, then it is a case of unlawful intercourse, and the marriage is not valid. To serve as a witness, a person must be pious, a male of good character, sane and of age, and a free man. If a witness is not pious, or (if he is) a slave, (his testimony is not acceptable) or (if the witness) is a woman, her testimony is not valid except in two cases: first, testimony concerning menstruation; and second, testimony with regard to pregnancy. In no other case (is a woman's testimony valid). With regard to marriage (contract), one should not cite as witnesses a slave, a person who is *fasik* or a woman, according to a *ḳaul aẓhar,* i.e. a clear doctrine. Such are the rules governing witnesses.

27. Fasal yang kedua puluh tujuh[1] pada menyatakan hukum khiyār itu mau pada perempuan, mau pada laki-laki itu atas lima perkara ᶜaibnya itu, pertama-tama ᶜaib gila (dan)[2] judhām, kedua baraṣ, [3]yaᶜni sopak atau kedal[3], ketiga ᶜaib rataḳ, keempat ᶜaib ḳaran, [4]yaᶜni tumbuh tulang pada perjinya[4], kelima ᶜaib [5]kebiri (dan)[6] orang yang[5] lemah zakarnya iaitu seperti orang rataḳ hukumnya, dan judhām pun demikian juga, tiada sah [7]nikahnya kahwin dengan orang yang demikian itu[7].

Adapun jikalau [8]dikahwinkan orang suatu laki-laki maka tiada diberinya tahu akan hal ada perempuan itu berpenyakit yang demikian itu. Telah kemudian, maka baharu diketahuinya, niscaya terurailah kahwinnya itu yaᶜni <faskh>, tiadalah laki-laki itu menanggung isi kahwin perempuan. Dan demikian lagi, jikalau ada ᶜaib laki-laki yang berpenyakit seperti yang tersebut itu, maka itupun <faskh> jua, jikalau tiada kabul perempuan itu, diberitahukannya kepada hakim, niscaya cerai jua[8].

[9]Jika lemah zakarnya laki-laki itu, maka disuruh oleh hakim berubat kepada tabib yang tahu, maka dinantikan setahun lamanya. Jikalau tiada sembuh di dalam setahun[9], maka <faskh> nikahnya itu.

Adapun [10]akan orang yang[10] baraṣ dan judhām dan gila itu: jikalau reḍa perempuan itu akan laki-laki itu atau reḍa laki-laki itu akan perempuan itu, [11]tiadalah ia <difaskhkan>[12] oleh hakim akan mereka itu, karena sama reḍa keduanya yaᶜni ia suka keduanya, tiada lagi khiyār daripada yang[11] demikian itu, itu ḳaul yang sah.

Adapun jikalau diperoleh ᶜaib tatkala di dalam laki-laki, difaskhkannya dirinya perempuan itu atas isi kahwinnya akan laki-laki itu. [13]Demikian lagi jikalau ada ᶜaib laki-laki itu[13] di dalam perempuan itu, itupun difaskhkan dirinya daripada perempuan[14] itu. Demikian lagi atas barang yang diperoleh ᶜaib di dalam sudah kahwin, [15]itupun faskh jua[15]. Itulah hukum khiyār atas tiap-tiap kahwin. Demikianlah hukumnya itu.

Chapter 27. Rules governing khiyār.

There are five defects in which rules governing *khiyār* (right of rescission) may apply, whether (the defects be) on the part of the woman or on the part of the man. First, lunacy; second, elephantiasis and leprosy, i.e. skin diseases such as *sopak* and *kedal*; third, *ratak* (abnormal fleshy growth in the vagina); fourth, *karan*, (abnormal) growth of bone in the womb; and fifth, (in the case of a male person), castration and impotence, (he will be) treated in the same manner as a woman who is suffering from *ratak*; likewise, (when) a person suffers from elephantiasis, a marriage with such a person is not valid.

If a man is married to a woman and has not been informed that the woman is suffering from such a disease, and only after (the marriage) does he come to be aware of such a disease, the marriage (contract) will certainly be annulled, that is *faskh*, (he can cancel the marriage) and does not have to pay the bridal gift. In like manner, if a man is found to be suffering from a disease like those just mentioned, the marriage can also be cancelled. If the woman is unwilling to accept (the man), she has only to inform the judge, and she certainly will obtain a divorce.

If a man is impotent, the judge will order him to receive medical treatment from an experienced physician and (his wife) must wait for one year. If after one year, he is not cured, the marriage will be declared annulled by the judge.

With regard to a person suffering from leprosy, elephantiasis or lunacy: if the woman is willing to accept the man or the man is willing to accept the woman, the judge shall not annul their marriage, (this is) because they are both willing, that is, they both consent. (In such a case), the question of *khiyār* (right of rescission) does not arise. This is the accepted legal doctrine.

If after the consummation of the marriage, the wife discovers that her husband is suffering from a disease, she can demand the annulment of the marriage. (And if the judge grants her request), the bridal gift is still the responsibility of the husband. Likewise, when the husband (notices) a disease in the woman, he has also the right to cancel his marriage with the woman. The same ruling applies to any disease contracted after (the consummation of) the marriage, i.e. (both parties) have a right to cancel the marriage. Such are the rules governing *khiyār* (the right of rescission), for every marriage (contract). Such is the law.

28.1 Fasal yang kedua puluh delapan[1] pada menyatakan hukum talak. Adapun talak itu dua perkara: Pertama[2] talak bā'in namanya; kedua talak rajᶜī namanya. Adapun talak bā'in itu seperti talak yang tiada lagi akan kembali iaitu seperti talak tiga[3]. Adapun talak rajᶜī itu seperti[4] talak satu atau talak[5] dua, maka iaitu dapat[6] kembali lagi[7].

Adapun jikalau talak[8] seorang perempuan dengan talak tiga itu, tiadalah dapat kembali lagi. Jikalau[9] ia hendak [10]kembali juga, dikahwinkan dengan laki-laki yang lain daripada suaminya yang dahulu itu. Kemudian talak ia dengan[11] perempuan itu[10], maka diᶜiddahkan dengan ᶜadat[12] tiga bulan sepuluh hari. Sudah itu, maka [13]dinikahkan dengan[13] suaminya yang lama itu[14].

Adapun talak rajᶜī itu iaitu seperti seorang perempuan ditalak [15]oleh suaminya dengan talak sa(tu) atau dua, iaitu[15] adalah ᶜiddahnya daripada tiga bulan sepuluh hari; jikalau [16]ada laki-laki itu hendak kembali, hanya kahwin juga namanya, haruslah ia kembali. Maka tiada seperti talak bā'in itu[16].

28.2 [17]Demikian lagi harus kahwin[17] dengan perempuan majusi [18]dan kafir yang sudah diislamkan[18] dan (tiada) harus kahwin dengan [19]perempuan <wathanī>[19] pada ḳaul yang sah. Adapun [20]bagai laki-laki itu haruslah ia mencari perempuan yang ahlu'l-kitāb pada[20] hukum Allah taᶜala.

28.3 Adapun jikalau ada merdehika laki-laki itu harus kahwin dengan ᶜabdi [21]itu melainkan[21] dengan empat syarat juga maka[22] harus. [23]Adapun syarat pertama[23] [24](jika laki-laki itu merdehika, belum beristeri perempuan)[24] [25]merdehika, maka ia harus kahwin dengan ᶜabdi itu[25]. [26](Kedua syarat)[26] sebab karena tiada tertahan [27]ingin hawa[27] nafsunya, harus kahwin dengan ᶜabdi. [28]<Ketiga syarat>[28] sebab karena tiada ia kuasa memberi isi kahwin perempuan merdehika itu, [29] maka itupun harus kahwin dengan ᶜabdi itu. Adapun syarat yang[29] keempat[30], sebab

Chapter 28. Talak or Repudiation.

28.1 *Talak* or repudiation is of two types, the first is *talak bā'in* (definite repudiation), the second is *talak rajᶜī* (revocable repudiation). The definite repudiation is for instance a repudiation that cannot be withdrawn, such as the threefold repudiation. The revocable repudiation is the single repudiation or the twofold repudiation, that is, (the husband) may still return (to his wife by simply remarrying her).

If a man divorces his wife with the threefold repudiation, (he) cannot simply return (to her). If he wishes to return to her, the woman must first be married to a man other than her former husband. Then he (the new husband) divorces her and she is obliged to observe the usual waiting period, *ᶜiddah,* i.e. three months and ten days. After this (interval), she can be married to her former husband.

The revocable repudiation: when for example a woman is divorced by her husband with the single or the twofold repudiation, that means that she has to observe the waiting period, *ᶜiddah,* which lasts three months and ten days; if the husband really wishes to return (to her), it is simply a matter of remarrying her, then he may return (to her). It is not analogous to the definite repudiation.

28.2 Likewise, it is permissible (for a man) to marry a fire worshipper or an unbeliever who has been converted to Islam. It is (not) permissible to marry an idolatress according to an accepted doctrine. For a man, he should try to find a woman who belongs to "possessors of the sacred Scriptures", according to the law of God Most High.

28.3 If a free man wishes to marry a (female) slave, he may do so but only under four circumstances. The first circumstance is that when the free man has not yet taken a free woman as wife, then he may marry a female slave. The second circumstance is that because he cannot control his sexual desires, he may marry a female slave. The third circumstance is that because he is unable to provide a bridal gift to a free woman, he may also marry a female slave. The fourth circum-

karena ᶜabdi itu diislamkan[30], maka harus kahwin dengan dia. Demikianlah hukum[31] merdehika laki-laki kahwin dengan perempuan ᶜabdi. Adapun jikalau tiada [32]dengan syarat yang tersebut[32] itu, tiadalah ia boleh kahwin dengan perempuan ᶜabdi itu. Adapun jikalau tiada seperti syarat itu, maka ada[33] ia kuasa memberi isi kahwin perempuan merdehika itu, maka ia hendak kahwin dengan perempuan ᶜabdi itu, tiada sah nikahnya itu atas[34] ḳaul yang sah.

Adapun akan perempuan yang merdehika itu boleh ia duduk dengan laki-laki ᶜabdi, itupun jikalau ada dengan dua syarat diperolehnya. Pertama-tama [35]ada dengan[35] reḍanya perempuan merdehika itu akan laki-laki ᶜabdi itu. Dan kedua disukakan oleh segala keluarganya itu, maka boleh ia[36] kahwin dengan ᶜabdi[37] itu. Jikalau tiada dengan[38] dua syarat ini, niscaya terurailah kahwinnya mereka itu, atas ḳaul yang sah. [39]Wa'llāhu aᶜlam bi'ṣ-ṣawāb[39].

29. Fasal yang kedua puluh sembilan[1] pada menyatakan hukum segala gantang dan cupak [2]kati dan tahil dan[2] segala hukum pasar sekaliannya itu pada syahbandar juga, dan hukum [3]nakhoda kapal dan[3] jung dan baluk[4] atau barang sebagainya yang bernama perahu, mau yang besar, mau yang kecil. [5]Apabila datang sesuatu perkataan atasnya atau daripada berkelahi dan berbantah[5] atau luka dan melukai daripada samanya dagang, karena utang piutang atau[6] sebab yang lain, itupun terserah atas syahbandar yang menghukumkan dia.

30. [1]Fasal yang [2]ketiga puluh[2] pada menyatakan hukum orang yang berniaga itu dan haram atas segala yang mengambil riba[1]. [3]Adapun hukum berniaga itu[3], [4]tiada sah berniaga melainkan daripada ᶜakil[4]; tiada sah berniaga [5]itu bagi[5] orang yang gila dan tiada sah berniaga dengan kanak-kanak yang belum baligh, dan tiada sah berniaga[6] [7]dengan orang yang mabuk arak dan tuak dan [8]tiada sah[8] berniaga dengan dia sekalian itu[7] [9]karena orang yang mabuk arak dan tuak tiada tentu harga yang dijualnya atau benda yang dijualnya itu[9].

[10](Tiada sah berniaga)[10] [11]melainkan

stance is that because the woman has been converted to Islam, he may marry her. Such is the law concerning marriage between a free man and a female slave. In the absence of the above-mentioned circumstances, a free man is not to marry a female slave. If the circumstances are different from those (mentioned) and when he is able to give a bridal gift to a free woman, and yet he still wishes to marry a female slave, the marriage (if taken place) is not valid according to an accepted doctrine.

With regard to a free woman, she may marry a male slave, if two conditions are fulfilled, (then she may do so). First, the free woman expresses her willingness to marry the male slave. Second, all her relatives approve (of the marriage), then she may marry the male slave. Without these two conditions, the marriage will certainly be annulled, according to an accepted doctrine.

And God knoweth best the truth.

Chapter 29. Weights and Measures.

29. Rules regarding weights and measures such as *gantang, cupak, kati, tahil* and market regulations, these are all exclusively vested in the Harbour-master; and (also) the regulations pertaining to the Masters of sea-going ships, junks and boats and all those vessels which are known as *perahu,* be they big or small. Whenever any law-suit arises which involves them (i.e. these rules), be it a fight, a quarrel or stabbing of fellow-traders because of debt or for any other reason, all cases are relegated to the Harbour-master who will adjudicate upon them.

Chapter 30. Laws pertaining to Sale and the Prohibition of Riba (Usury).

30. With regard to laws pertaining to sale, it is not valid to trade unless with someone who is sane; it is not valid (to trade) for an insane person; and it is also invalid to trade with a child who is not yet of age, and (furthermore) it is invalid to trade with a person who is intoxicated with alcoholic drinks, because such a person who is intoxicated with alcohol is not certain of the price (of the article) which he offers for sale or about the article itself.

It is not valid to trade unless the seller declares: "I sell you this

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dengan kata yang berjual "[12]<Kujual>[12] benda ini"
dengan kata yang membeli, "Kubeli benda ini" dan
harga benda itu hendaklah bertentu.

Bermula hendak ada benda yang dijual itu
suci dan tiada sah berniaga dengan benda yang bercemar
seperti tuak dan arak dan anjing dan babi dan benda
yang haram[11].

[13]Bermula yang ada gunanya[13] seperti
gajah [14]akan kendaraan[14] dan barang sebagainya[15]
sah berniaga.

Bermula sah[16] berniaga yang dapat dikuasa-
kan menyerahkan dia dan tiada sah berniaga berjual
hamba [17]yang lari oleh[17] tiada bertentu tempatnya
dan tiada kuasa menyerahkan dia[18].

Bermula, hendaklah benda yang dijualnya
itu milik dirinya atau ia walinya[19] seperti benda
kanak-kanak yang kecil, bapanya atau neneknya
[20]berjual dia[20] atau[21] wakil orang disuruhnya berniaga.
Jikalau tiada [22]dengan syarat ini[22] tiada sah berniaga.

[23]Bermula, berniaga dua perkara. Benda
yang akan dilihat, hendak dilihatnya, maka sah berniaga-
nya[23]. [24]Kedua benda yang diperikan itu[24] hendaklah
seperti katanya itu, jangan [25]lagi ada[25] bersalahan
[26]perinya itu. Jika bersalahan dengan yang seperti
dikatanya[26] itu, tiada sah berniaga.

Bermula orang [27]berniaga itu, harus[27]
ia memilih, jikalau hendak dilakukannya perniagaannya
atau dipulangkannya[28] sementara belum bercerai dari-
pada tempatnya berniaga[29] itu atau berjanji tiga hari.
Jikalau berkenan diambilnya[30]; jikalau tiada berkenan,
dikembalikannya[31].

Bermula, tiada sah berniaga dengan[32] hamba
orang melainkan dengan izin[33] tuannya akan hambanya itu[34].

Dan tiada sah berniaga emas [35]dengan emas
dan perak dengan perak[35] melainkan (dengan)[36] suatu
jenis[37] lain ya^{c}ni [38]emas dengan suatu jenis lain ya^{c}ni[38]
perak tunai[39] dan berniaga makanan[40] janji tunai, maka sah.

[41]Apabila berniaga[41] rumah, [42]maka masuk
ke dalam rumah itu barang[42] yang bertemu di dalam[43]
rumah itu; tiada [44]harus dimasukkan[45] di dalam per-

article" and the buyer replies: "I buy this article", and (furthermore) the price of the article has to be fixed.

The article offered for sale should be pure and it is invalid to trade in impure things such as alcoholic drinks and dogs and pigs and (other) forbidden things.

It is valid to trade in things which are useful such as elephants used for riding and so on.

The sale is valid if the seller is able to deliver the article and it is invalid to sell an absconded slave, because his whereabouts is uncertain and he (the seller) cannot deliver him.

The article which the seller offers for sale should (either) be his own property or if he is a guardian, e.g. (in the case of) an article owned by a young child, then its father or its grandfather may sell it, or he may be someone's agent authorized to trade. If these conditions are not met, it is invalid to carry out a sale.

In a sale transaction, there are two situations: (First) an article that is available for inspection should be inspected (before the sale is concluded) and then the sale is valid. Second, the article described should exactly match the description given by the seller, (and) on no account should there be any discrepancy in the description. If the article differs from its description the sale is not valid.

As for the purchaser, he may make his option; if he wishes, he may complete the transaction or (he may) reject the article while he has not left the place of transaction or (he may) agree to an extension of three days. If he is satisfied with the article, he accepts it; if he is not, he rejects it.

It is invalid to trade with someone's slave unless the latter has got permission from his master (to trade).

It is not valid to sell gold for gold, and silver for silver, but only for a different species, that is gold for another kind of precious metal, i.e. for ready silver. It is valid to exchange foodstuffs for ready cash.

In the sale of a house, what is fixed in the house is included (in the

niagaan itu barang[44] segala yang dapat diceraínya
daripada[46] rumah itu; [47]ia harus dikembalikan[48]
kepada yang empunya rumah itu[47].

31.1 [1]Fasal yang [2]ketiga puluh esa[2] pada
menyatakan hukum berjual tanah itu[1], masuk[3] kayu-kayuan
di dalam tanah[4] itu melainkan huma[5] akan yang berjual,
jikalau tiada disebutkan. Jikalau ada yang diketam
berulang-ulang seperti padi[6]: Pertama yang diketamnya
itu akan yang berjual [7]empunya dia[7]. Kemudian buahnya[8]
[9]akan orang yang membeli beroleh[10] dia melainkan berjanji
isti[c]adat janji[9].

Jikalau ada[11] di dalam [12]tanah yang
dijual itu[12] pohon kayu yang berbuah, tiada disebutkan
buahnya itu[13]: jikalau berputik [14]tatkala berniaga itu,
akan yang berjual. Jika belum berputik, harganya itu
akan yang membeli[14].

31.2 Bermula peri mengembalikan benda yang
dibeli sebab ada [c]aibnya [15]itu daripada empunya:
Yang membeli suatu benda, maka kelihatan atas benda
itu [c]aib yang sedia, maka dikembalikannya. Jika ter-
lambat mengembalikan benda itu dengan tiada <[c]udhur>,
tiada harus dikembalikan. Apabila kelihatannya dikembali-
nya.

Segala yang[15] tahunya diperajarinya[16]
seperti tahu menyuji[17] atau menyirat[18], maka tiada
dipintai oleh tuannya yang menebus itu: [19]"Olehku
mengajar dia, marikan aku haknya"[19].

[20]Bermula jikalau hamba yang ditebusnya itu[20]
bunting pada yang menebus[21] atau[22] beranak, maka
anaknya itu [23]akan orang[23] yang menebus [24]empunya
dia[24], tiada dikembalikan [25]anaknya itu[25] [26]pada
tuannya lama[26].

[27]Bermula hamba yang ditebus seperti ada
penyakit yang [c]aib iaitu[27] harus dikembalikan
seperti [28]orang yang pelari[28] dan permukah[29] dan
pencuri dan gila atau hamba[30] itu bersuami atau ia[31]
sopak [32]atau kedal[32] atau [c]aib yang terbunyi, kemudian

sale); all things that can be removed from the house should not be included in the sale, (they) should be returned to the owner.

Chapter 31. Rules governing Sale of Land.

31.1 In the sale of land, the timber and wood on the land are included (in the sale), *huma* is excluded (and) belongs to the seller, if there is no specification. If there is a crop which can be reaped often such as a rice-crop, (then it is regulated as follows:) The first harvest belongs to the seller. The following harvests belong to the buyer, unless they have made the customary agreement.

If there are fruit trees on the (purchased) land (and) no specification has been made concerning the fruits: if the fruit is beginning to appear at the time of the sale, it belongs to the seller. If it is not yet beginning to appear, its profit goes to the buyer.

31.2 Concerning the return of an article bought, because it was already defective in the hands of the seller: Whoever buys an article and sees that there was already a defect in the article can (simply) return the article (to the seller). If he is late in returning the article for no (reasonable) excuse, he is not allowed to return it. As soon as a defect is discovered, the article should be returned.

A man who has bought a debt-slave (while returning her to her former master) cannot claim compensation for the skills he has taught her, for example, the skill of doing needle work and net work, by saying: "Because I have taught her, pay me what is due to me".

If a female slave who has been acquired as a debt-slave appears to be with child while in the possession of the man who bought her out or gives birth to a child, the child belongs to the man who bought the slave out, (and) is not returned to the slave's former master.

If a slave bought out as a debt-slave has, for example, a serious disease, he may be returned just as a slave who is fond of absconding, (or) given to illicit intercourse, (or) a thief or (who is) insane, or (in the case of a female slave) if she is already married or is suffering from *sopak* or *kedal* (skin diseases) or other hidden defects which later

maka [33]diketahui dan[33] kelihatan, berapa lamanya pun dapat dikembalikan.

31.3 Bermula jikalau [34]dibelinya suatu benda sampai[34] pada tangan yang membeli [35]itu, maka ada celanya itu sedia, dapat dikembalikan, tetapi dihargakan[35] benda itu: jikalau dengan tiada [c]aib seratus harganya; [36]jikalau dengan [c]aib baru[36], sembilan puluh harganya[37] [38]dan jikalau ada[38] dengan [c]aib [36]besar, harganya[36] delapan puluh. [40]Demikianlah upamanya harga benda itu[40].

Jikalau reḍa yang berjual[41] menerima benda itu [42]dikembalikan benda itu[42] dengan sepuluh [43]tampang timah sertanya. Jika benda itu tiada dikembalikan, sepuluh tampang timah dikurangkan sebab celanya[43]. Apabila bersalahan[44] yang berjual dan yang membeli [45]akan [c]aibnya sedia, orang berjual bersumpah. Apabila bersalahan akan kadar[45] [46]harganya itu atau kadar[47] benda itu, keduanya bersumpah, dibinasakan berniaganya[46].

32.1 [1]Fasal yang [2]ketiga puluh dua[2] pada menyatakan hukum[1] orang muflis. Barangsiapa banyak piutangnya[3] daripada hartanya, [4]maka dipintanya[4] [5]oleh segala orang yang empunya harta itu pada orang yang muflis itu daripada melakukan kehendaknya di dalam hartanya[5], maka ditahani hakim bahwa muflis itu melakukan kehendaknya di dalam hartanya.

Apabila seseorang[6] daripada empunya harta itu mendapat [c]ain benda itu di dalam harta muflis itu bagi [7]ia mengambil[7] hartanya. Jikalau hendak ia [8]dibinasakannya berniaganya[8], diambilnya bendanya itu.

Apabila didapatnya setengah hartanya yang ditinggalkannya[9], diambilnya, dihargakannya[10] segala yang baki[11] dengan [12]empunya harta yang lain[12]. Kemudian daripada ditahani oleh hakim tiadalah [13]berlaku segala kelakuannya[13] di dalam hartanya, tiada sah ia[14] [15]memberi dagangan[15].

Bermula kanak-kanak dan orang gila dan orang yang [16]tiada berlaku kelakuannya[16] di dalam hartanya sehingga lepas[17] daripada jalannya itu.

become known and apparent, she may be returned, no matter how long a time has intervened (since the sale).

31.3 If a man buys an article and the article has been delivered into the hands of the buyer, then (it is discovered that) it was already defective: it can be returned (to the seller) but the article is to be assessed: if there is no defect, it is one hundred per cent (of its value); if there is a new defect, only ninety per cent of its value; if there is a serious (new) defect, its value is to be assessed at eighty per cent. Such for example is the valuation of an article.

If the buyer is willing to take the article back, it can be returned together with ten tin *tampang* (as compensation). If it is not returned, ten tin *tampang* shall be deducted (from its value), because of its defect. If the seller and the buyer disagree (with one another) as to whether the defect already existed (at the time of the sale), the seller shall take an oath. If they disagree about either the price or the quantity of the articles, (and) both of them take an oath, the sale is annulled.

Chapter 32. Rules governing Bankruptcy.

32.1 Whoever has more debts than his assets and (if) the creditors demand that the insolvent be deprived of the power of disposing of his property, then the judge shall prevent the insolvent from exercising his property rights.

If one of the creditors discovers his own goods among the property of the insolvent, allow him to take back his goods. If he wishes he can cancel the sale (transaction) by simply taking back his goods.

If a man finds that half of his property remains, he may take it (from the insolvent) and he assesses the rest (of the property) in consultation with other creditors. After the judge has made a ruling to that effect, the insolvent no longer has (the right of) free disposal of his property and it is unlawful for him to give trade goods in consignment.

(This prevention of the free disposal of property also applies) to a minor and an insane person and a bankrupt until (the individual involved) is free from this particular circumstance.

32.2 Sah[18] ṣulḥ[19] kemudian daripada ikrar di dalam segala harta, tiada sah ṣulḥ di dalam munkir dan pada orang yang tiada bertentu[20].

[21]Bermula sah ṣulḥ itu atas enam bahagi. Suatu seperti hukum berniaga. Kedua seperti hukum berniaga emas dengan <perak>. Ketiga seperti hukum yang memberi. Keempat seperti hukum melepaskan akan hutang. Kelima seperti hukum meminjam. Keenam seperti hukum upahan[21].

Adapun yang pertama seseorang menuntut[22] rumah kepada tangan seorang, maka ikrarlah ia akan rumah itu, maka diṣulḥkan rumah itu [23]seratus timah[23], maka ṣulḥ itu seperti hukum berniaga dapat memilih; jikalau hendak[24] diturutnya pada ketika itu atau berjanji tiga hari.

Yang kedua bahagi, jikalau menuntut[25] seorang laki-laki seratus dinar emas, maka ikrar ia, maka diṣulḥkan dengan seribu dirham perak[26] seperti hukum berniaga emas dan perak.

Yang ketiga bahagi, jikalau diṣulḥkan dengan lima puluh[27] dinar emas, adalah hukumnya seperti melepaskan setengahnya.

Keempat bahagi, jikalau seorang laki-laki menuntut rumah atau kampung, [28]maka ikrar ia akan[28] tuntutannya, maka diṣulḥkan [29]bahwa akan[29] kediamannya setahun, adalah hukumnya seperti [30]yang dipinjamnya.[30]

[31]Yang kelima[31] [32]jikalau [33]mudda^{c}ī dengan mudda^{c}ā ^{c}alaihi[33] daripada rumah diperserahkan[34] pada(nya) hambanya seorang baginya setahun, adalah ṣulḥ[35] itu ijārah[36] namanya ya^{c}ni dida^{c}wanya oleh seseorang laki-laki kepada seorang laki-laki, ikrar ia tetapi[37] mudda^{c}ā ^{c}alaihi <diperserahkan>[38] hambanya setahun lamanya, tiadalah diberinya [39]upahnya hambanya itu[30] oleh[40] mudda^{c}ī sebab setahun dikediami[41] mudda^{c}ā ^{c}alaihi adalah ṣulḥ[42] ijārah[43] namanya[32].

[44]Keenam jikalau[44] seorang laki-laki menuntut rumah atau kampung, maka ikrar ia, maka diṣulḥkan[45] atas setengahnya adalah atas[46] memberinya.

Tiada ṣulḥ[47] melainkan pertama hendak bertentukan[48].

32.2 In a property (claim), an amicable settlement is lawful after (the claim) has been acknowledged (by the defendant); amicable settlement is not lawful, when one party denies the claim and in case of a person who is not certain (of his actions).

Concerning *ṣulḥ* (amicable settlement), there are six cases. First, it is analogous to rules governing a sale transaction; second, it is analogous to rules governing the sale of gold for silver; third, it is analogous to rules governing gifts; fourth, it is analogous to the remission of debts; fifth, it is analogous to the rules governing borrowing; and sixth, it is analogous to rules governing employment of people.

With regard to the first case: a man claims a house which is in the hand of another man and the latter acknowledges the claim, then the house is compounded for one hundred *timah*. Such an amicable settlement is similar to rules governing a sale (transaction); the claimant has an option, if he so wishes, he may accept the (amicable) settlement immediately or he may ask for three days' extension.

The second case: a man claims one hundred gold *dinar* (from another man) and the latter acknowledges (the claim), then (the case) is (amicably) settled with one thousand silver *dirham*, which is similar to the rules governing the sale of gold for silver.

The third case: if (a claim) is (amicably) settled with fifty gold *dinar*, its rules are similar to those governing the remission of half (of the debts).

The fourth case: if a man claims a house or a compound (from another man) and the latter acknowledges the claim, then it is (amicably) settled that (the latter) will stay in it for one year, its rules are similar to those governing borrowing.

The fifth case: if a plaintiff and a defendant (dispute) over a house (and the latter) hands over to the plaintiff one of his slaves for one year, this (amicable) settlement is similar to what is understood by *ijārah* (hire or lease), to wit, a man lays claim to another man('s property) and the latter admits (the claim) but he, the defendant, hands over (one of) his slaves (to the plaintiff) for one year, the plaintiff does not pay any wages (for the slave's service), because the defendant remains (in the plaintiff's house) for one year. This is what is understood by hire or lease settlement.

The sixth case: if a man claims a house or a compound (from another man) and the latter acknowledges (the claim), and it is compounded by a payment of half the price (of the house), it is similar to giving gifts.

No (amicable) settlement is possible unless first of all both parties agree (on the terms of settlement).

32.3 Bab[49] harus mengakui hutang orang lain,
apabila diketahuinya oleh yang mengakui bagainya
[50]dan kadar[50], tunai atau bertangguh[51] benda yang
diakui itu. [52]Tiada sah orang yang mengaku[52] melainkan
[53]yang berlaku kelakuannya[53] di dalam hukum syara[c].
Bermula bagai yang empunya emas itu
[54]minta emasnya itu[54] pada yang [55]mengaku dan yang
ber(h)utang[55], apabila dengan pesuruh [56]yang berhutang[56]
dibayarnya[57] hutangnya, maka dipintanya pembayarnya
[58]pada yang diakuinya. Jika (jang) mengaku tiada dengan
[pesuruh-
nya membayar [dengan pesuruhnya], tiada harus[58] dipintai
kepadanya, hukumnya seperti diberinya. Tiada harus
mengaku emas daripada[59] perak.

32.4 Bermula harus mengaku tunai [60]daripada
bertangguh daripada tunai[60]; tiada harus[61] mengaku
(h)arta [62]yang syarikat daripada syarikatnya dan[62]
tiada harus mengakui[63] farḍu [64]esok dan[64] seperti
suatu tuntutan belum thābit[65] tiada harus diakui.
Bermula tiada harus mengakui tubuh[66]
orang [67]dengan penyuruh yang diakui. Jika mati yang
mengaku atau yang diakui, binasa akunya[67].

32.5 Bab[68] peri meminjam. [69]Tiada harus meminjam
tiada yang[69] mengambil[70] guna dengan dia, hendak kekal
benda itu; tiada harus[71] meminjam bunga[72], karena[73]
tiada kekal adanya.
Bermula tiada harus yang meminjam [74]tiada
mengembalikan benda yang dipinjamnya pada tempat yang
dipinjamnya[74].
[75]Bermula yang meminjam menyilih[75], jikalau
hilang atau binasa [76]benda yang dipinjamnya[76]. Jikalau
tiada ada[77] taḳṣīrnya sekalipun, [78]menyilih juga
yang meminjam; jika janjinya tiada menyilih sekalipun[78].
[79]Bermula benda yang dipinjam diberinya,
sesuatu tiada menyilih yang meminjam, jikalau tatkala
dipakainya benda itu tiada dengan taḳṣīrnya[70].

32.3 A man may stand surety for someone else's debt, if he, the surety, knows the kind and the quantity (of the goods) and whether the goods which he stands surety for are to be paid in hard cash or whether payment can be deferred until later. A man cannot stand surety, unless he has (the right of) free disposal (of his property), according to the rules of law.

For example, a creditor reclaims a sum (of money) due to him from the surety and the debtor: when he, the surety, pays the debt of the debtor at the request of the debtor, then he, i.e. the surety, can demand repayment from the person whom he stands surety for, i.e. the debtor. If the surety without the order (of the debtor) pays (the debt), he may not demand repayment from the debtor: the rules (governing it) are like (those governing the) "giving of gifts". It is not permissible to stand surety for gold to be paid in silver.

32.4 (A man) may guarantee (immediate) payment of a debt (the payment of which) has been deferred. (A man) may not accept a jointly-owned property (as the property) of its (part-)owner and (a man) may not guarantee a future obligation, and for instance a claim which has not been established must not be acknowledged.

It is not valid to guarantee the person of someone with just an instruction (from him). If the guarantor or the debtor dies, the guaranty is annulled.

32.5 Chapter on Borrowing. It is not permissible to borrow (an article) from which one does not derive any benefit; the article (borrowed) should be of a lasting nature; (e.g.), one must not borrow flowers, because they are not lasting.

The borrower must not fail to return the article borrowed to the person from whom he borrowed it.

The borrower pays a compensation, if the article borrowed is lost or destroyed. Even if it is not due to negligence on his part, a borrower must replace (the article lost), even though it was agreed that no compensation be made (in case of loss).

If an article borrowed has been given (to the borrower, the lender cannot ask) the borrower to substitute it, if the latter has used the article with no negligence on his part.

32.6 Bermula jikalau seorang laki-laki menyuruhkan seorang laki-laki kepada suatu tempat akan pekerjaan, diberinya kenderaan[80] akan kenaikan, maka mati atau binasa kenderaan, [81]tiada menyilih[81].

33.1 [1]Fasal yang [2]ketiga puluh tiga[2] pada menyatakan hukum[3] peri memberi modal kepada seseorang[1]. Bahwa berkata yang memberi[4] emas itu kepada yang disuruhnya itu: "Ambil olehmu dinar emas atau perak[5], perniagakan olehmu, labanya [6]akan kita, akan[7] engkau sekian labanya", hendaklah[8] ditentukan laba perniagaan harta[9] itu. [10]Antara itu binasa atau rugi, tiadalah dapat menyilih[11] perniagaan itu atau hilang[10] harta itu tiada dengan taḳṣīrnya[6].

33.2 Bermula tiada harus [12]berjanjinya akan membayar hutang itu di benua lain atau (ter)lebih ia membayar[12] daripada asalnya. [13]Jika mengutang tiada[13] dengan berjanji, kemudian dibayarnya [14](ter)lebih, iaitu[14] tiada mengapa, [15]jikalau ada pe(r)niagaan itu dengan labanya[15].

34.1 [1]Fasal yang ketiga puluh empat[2] pada menyatakan hukum amanat[1]. Apabila bertaruh[3] amanat pada seorang, [4]hendaklah serta dengan s(y)aksinya atau dengan suratnya, maka sempurna amanat itu[4]. Jikalau diterimanya, hendaklah [5]dipeliharakannya amanat itu pada tempat memeliharakan hartanya yang seperti amanat itu, maka[5] jika[6] binasa amanat itu dengan tiada taḳṣīrnya[7], tiada ia menyilih.

Jikalau dipakainya oleh orang yang[8] menaruh amanat itu, jikalau dengan izin yang empunya amanat[9] sekalipun pada ketika dipakainya ya'itu[10] binasa, hendaklah disilihnya.

Apabila[11] hendak berlayar [12]yang menerima amanat itu[12], maka dikembalikannya kepada yang [13]empunya amanat[13] itu; [14]jika tiada yang empunya kepada wakilnya atau kepada kadi[14] [15]atau imam[15]; jikalau dibawanya berlayar, maka binasa, disilihnya.

32.6 If a man orders someone to go to a certain place to do some job and gives the latter an animal to ride, then (if) the animal dies or gets killed, (the man so ordered) does not have to pay any compensation.

Chapter 33. Rules on the Supplying of Capital to Someone.

33.1 (If) a provider of capital says to his agent: "Take *dinars* (or) gold or silver and use it for business, the profit for you is such and such an amount," the profit derived from the sale (transaction) must be fixed beforehand. Meanwhile if the capital is lost or if there were losses, he (the agent) need not compensate for (the loss of) the business or the loss of property, (provided that) it was not due to any negligence on his part.

33.2 (A borrower of capital) is not allowed to agree to repay a debt in a foreign country or to repay more than the principal. If a man contracts a debt without making any agreement and afterwards he pays back (more than the principal), it does not matter when the business has been profitable.

Chapter 34. Rules governing Trusteeship.

34.1 When (a man) deposits a trust with someone, it should be done in the presence of witnesses or accompanied by a written document, then the trusteeship is perfect. If the trustee accepts (the trust), he should keep it in the (same) place where he keeps his (own) property of the same nature as the trust, and should the trust get lost without any negligence on his part, he does not have to compensate for it.

If the trustee makes use of the trust, even if it is with the consent of the owner of the trust, when he uses it and it gets lost, the trustee has to pay compensation.

When the trustee wishes to sail, the trust should be returned to the owner of the trust; if its owner is not present, (it should be returned) to his agent or to the judge or to the *imam*; if he (the trustee) carries the trust with him on his voyage and it is lost, he has to restore it.

34.2 Bermula jikalau [10]beramanat pada[16] orang pelayaran, barang ke mana ia [17]hendak pergi[17] di-bawanya. Jika berkata orang yang menerima amanat itu bahwa sudah dikembalikannya amanat itu kepada orang yang empunya harta, [18]syaksinya tiada antara keduanya[18] bersumpah yang menaruh amanat; tiada pada sumpah, hendaklah serta[19] syaksinya [20]pun bersumpah, hilang harta itu[20]. Jikalau katanya[21] mengembalikan[22] kepada warithnya [23]empunya harta[23] itu: [24]jikalau tiada ada syaksinya bersumpah warithnya[24].

Bermula maka berkata yang menaruh amanat[25] bahwa sudah [26]dikembalikan pada si[26] anu dengan kata[27] munkir yang empunya [28]harta itu[28], [29]bersumpah yang empunya harta itu, disilihnya amanat itu[29].

35. [1]Fasal yang ketiga puluh lima[2] pada menyatakan[1] hukum[3] ikrar itu dua perkara: suatu pada hak Allah taᶜala[4] seperti minum arak dan tuak dan zinah; [5]kedua pada[5] hak manusia. Adapun[6] hak Allah taᶜala[7] itu dikabulkan, jikalau ia kembali [8]daripada ikrarnya[8]. [9]Bermula, pada hak[10] manusia tiada harus dikabulkan, jikalau ia kembali [11]daripada ikrarnya[11, 9].

Bermula tiada sah ikrar melainkan dengan tiga perkara: [12]suatu baligh, tiada sah ikrar kanak; keduanya perkara tiada sah ikrar orang yang gila melainkan ᶜakil; ketiga perkara hendak dengan kehendak-nya, tiada sah ikrar yang digagahi[12].

Bermula [13]jika ikrar[13] pada harta, demikian hendak ikrarnya: "[14](H)arta ini[14] si anu empunya dia[15]". Jikalau ikrarnya tiada bertentu, ditanyakan[16] kenyataannya.

[17]Bermula sama dihukumkannya ikrar pada hal sehat dan sakit[17].

36.1 [1]Fasal yang ketiga puluh enam[2] pada menyatakan[1] peri hukum orang yang murtad. Apabila

34.2 If a trust is placed with a man who is a sailor, he may take the trust with him wherever he intends to go. If the trustee declares that he has returned the trust to the owner of the trust, (but) neither of them has any witness (and) the man who placed the trust, (i.e. the depositor) takes an oath, then this oath is not sufficient, there should also be witnesses present who take an oath; (if not), the property is considered to be lost. If the trustee declares that he has returned the trust to the heirs of the owner of the property: if there are no witnesses, the heirs (of the owner of the property) must take an oath.

If the trustee declares that he has returned the trust to so and so with a (flat) denial from the owner of the property, and the latter takes an oath, the trust must be replaced.

Chapter 35. Rules governing Acknowledgement.

35. Concerning rules regarding acknowledgement, there are two types: first, concerning (the infringement of) a claim or right of Allah (*hak Allah*), e.g. drinking alcoholic drinks and unlawful sexual intercourse; and second, concerning (the infringement of) a claim or right of humans (*hak manusia*). Concerning (the infringement of) a claim or right of Allah, it is accepted, if he (the culprit) withdraws his acknowledgement. Concerning (the infringement of) a claim or right of humans, it is not permissible to accept, if the culprit tries to retract his acknowledgement.

Acknowledgement is valid in three cases only: first, (the person in question must be) of age, the acknowledgement of a minor is invalid; second, the acknowledgement of an insane person is not valid: only when a person is in full possession of his mental faculties (is the acknowledgement valid); and third, the acknowledgement should be made out of one's free will, an acknowledgement made under compulsion is not valid.

In an acknowledgement concerning property, it should be stated as follows: "This property belongs to so and so." If the acknowledgement is not clear, further clarification should be sought.

An acknowledgement has the same (effect) whether it is made in good health or in illness.

Chapter 36. Rules governing Apostasy.

36.1 If a Muslim turns apostate, he will be ordered thrice to repent.

seorang Islam itu murtad, disuruh ia taubat tiga kali. Jikalau tiada ia[3] mau taubat [4]dibunuh pada hukum Allah harusnya dan[4] jangan dimandikan dan jangan disembahyangkan dan jangan ditanamkan pada kubur Islam[5].

36.2 Bermula orang [6]yang sembahyang[6] itu atas dua perkara, meninggalkan dan tiada i[c]tikadnya pada[7] farḍu sembahyang. Dalam i[c]tikadnya bahwa sembahyang farḍu itu, disuruh ia[8] sembahyang. [9]Jika ia tiada sembahyang[9] oleh kesakitan, tiada ia munkir, disuruh taubat[10] murtad tiga kali. Jikalau sembahyang, baik[11] pada jalan itu. Jikalau tiada mau sembahyang[12], dibunuh, [13]tetapi hukumnya seperti hukum Islam dan[13] mayatnya ditanamkan pada kubur[14] Islam. [15]Demikianlah hukumnya[15].

37.1 [1]Fasal yang ketiga puluh tujuh[2] pada menyatakan hukum[1] [3]syaksi yang harusnya di atas empat martabat. Pertama tahu ia akan halal dan haram, kedua tahu ia akan sunat dan farḍu, ketiga tahu ia akan salah dan benar, keempat tahu ia akan baik dan jahat. Itulah harus diperbuat syaksi[3].

Syaksi[4] tiada dikabulkan melainkan[5] berhimpun pada syaksi itu[6] lima perkara. Pertama Islam, kedua baligh, [7]ketiga [c]akil, keempat [c]adal, kelima hendaklah menjauhi daripada[7] dosa yang besar dan[8] dosa yang[9] kecil, dan baik kelakuannya dan jangan [10]ia penggusar[10] dan[11] memeliharakan lakunya dan[12] namanya[13].

37.2 Bermula tiada[14] pada zinah itu thābit[15] melainkan [16]empat orang[16] laki-laki [17]dan jikalau tiada empat melainkan dua orang laki-laki[17] pada segala ḥadd seperti [18]minum arak dan tuak[18] dan mencuri[19] dan menyamun[20] dan membunuh orang dan[21] murtad dan kisas pada nyawa dan pada[22] anggota [23]dan orang bermuka(h)-muka(h)[23] dan ikrar pada[24] segala perkara ini dan nikah dan talak dan [25]merdeka dan[25] Islam dan pada[26] amanat dan pada wakil dan

If he refuses to repent, it is permissible, according to the law of God, that he be killed and (his body) should not be bathed and no prayer should be read (at his funeral) and (furthermore) he should not be buried in the Muslim graveyard.

36.2 Concerning people (who fail to perform) the (obligatory) prayer, there are two cases. (First), neglecting (the prayer) and (second), without firm belief in the obligatoriness of prayer. If a man (still) believes that prayer is obligatory, he is (simply) ordered to perform the prayer. If he does not perform the prayer due to illness, he has not turned apostate, but he will be ordered thrice to repent like an apostate. If he does perform the prayer, he will be pardoned. If he refuses to perform the prayer, he shall be killed but he is to be treated like a Muslim, and his body is to be buried in the Muslim graveyard. Such is the law.

Chapter 37. Rules governing the testimony of Witnesses.

37.1 To be accepted as a witness, (a person) must possess four qualities. First, he knows (what is) lawful and (what is) forbidden; second, he knows (what is) commendable and (what is) obligatory; third, he knows (what is) wrong and (what is) right; fourth, he knows (what is) good and (what is) bad. Such a person is permitted to act as a witness.

A witness('s testimony) is unacceptable unless he combines five qualities: first, (he is) a Muslim; second, (he is) of age; third, (he is) sane; fourth, (he is) of good character; (and) fifth, (he) should avoid both great sins and small sins (against the law) and be of blameless behaviour and (furthermore), he should not be hot-tempered and should (always) behave (properly) and guard his reputation.

37.2 Unlawful intercourse cannot be established unless there are four male (witnesses), but (only) two male (witnesses) and not four are required in cases which involve a *ḥadd* punishment such as drinking intoxicating drinks or liquors, stealing, highway robbery and murder, apostasy, retaliation (for loss) of life and of members (of the body) and illicit intercourse and (also two witnesses are required) in acknowledgement concerning all these matters, and marriage, divorce, the releasing (of slaves) and (evidence of being) a Muslim and in matters

pada wasiat[27] dan ikrar pada segala perkara ini
dan melihat bulan[28] Ramadhan[29] dengan seorang pun
padalah[30].

Bermula tiada thābit melainkan dua[31] 1640
laki-laki atau [32]seorang laki-laki dengan dua
perempuan[32]. Tiada thābit dengan perempuan sebanyak-
banyaknya[33] pada berniaga dan berpulangan[34] dan mengembali-
kan benda yang dibeli; jikalau [35]<berjual dan sandar>[35]
pada jual dan pada mengaku dan [36]pada ṣulḥ[36] [37]dan 1645
melepaskan dan pada utang dan meminjam dan pada upahan dan
sekutu dan pada memberi dan merampas[37] dan pada
membinasakan[38].

Bermula tiada thābit melainkan [39]dua
orang laki-laki atau seorang laki-laki dan[39] dua[40] 1650
orang perempuan[41] [42]atau empat orang perempuan[42]
pada[43] beranak dan[44] bikir dan <thayyib>[45]
yaᶜni janda dan segala <ᶜaib>[46] perempuan dan
segala yang banyak pekerjaan dan[47] segala perempuan
mengetahui[48] dia. 1655

38.1 [1]Fasal yang ketiga puluh [2]delapan pada[2]
menyatakan[1] peri[3] menuntut dan yang dituntut. [4]Sabda
Nabi[4] ṣallā 'llāhu ᶜalaihi wa sallam: Al-bayyinatu ᶜalā
'l-muddaᶜī wa 'l-yamīnu ᶜalā man ankar, artinya[5]
syaksi atas yang menuntut[1] dan sumpah atas yang munkir, 1660
[6]tiada dapat tiada bicara kepada kadi. Daripada[6]
yang menuntut menyatakan benda yang dituntutnya,
kadarnya dan bagainya dan benar ia empunya.

Jika[7] menuntut emas[8], hendak dikatakan-
nya bagai[9] emas itu, mutunya dan timbangannya. [10]Bermula 1665
jika ia[10] menuntut manikam[11], hendak dikatakannya
harganya, karena manikam[12] itu tiada dapat dikiaskan[13]
harganya yang kecil dan yang besar. Ada [14]kalanya yang[14]
kecil lebih harganya dan [14]ada kalanya yang[14] besar
kurang harganya. 1670

Bermula jikalau menuntut dikatakannya[15]
benda itu, perinya dan bagainya dan harganya, maka
[16]didengar oleh[16] hakim tuntutannya[17] itu. Maka
ditanyai oleh hakim, "Adakah syaksimu?" Jikalau ada

concerning trust, agency and legacy, and acknowledgement in all these matters; and one witness is sufficient for testifying to the appearance of the new moon on the first of Ramadhan.

(Evidence) cannot be established unless there are two male (witnesses) or one male (witness) and two female (witnesses). (Evidence) cannot be established on the testimony of female (witnesses), however great their number may be, in matters concerning sale transaction, and withdrawal and the return of articles bought, nor in matters concerning selling and giving security in matters of sale, and standing surety and amicable settlements and remission of claims, and debts and borrowing, hiring people for wages and partnership, and donation and seizing, and cancellation (of contracts).

(Evidence) cannot be established unless there are two male (witnesses) or one male (witness) with two female (witnesses) or four female (witnesses) in matters concerning child-birth, virginity or loss of virginity, i.e. widowhood, and those womanly defects which are difficult (for men to ascertain) and are normally known only to women.

Chapter 38. Rules governing Procedure and the taking of an Oath.

38.1 The Prophet, may God bless him and bestow peace upon him, has said: "*Al-bayyinatu ᶜalā 'l-muddaᶜī wa 'l-yamīnu ᶜalā man ankar*", i.e. "The burden of proof (by testimony) lies upon the one who makes the allegation and the oath belongs to him who denies", (and the case) can only be referred to the judge. The claimant (should) state the article claimed, its quantity, species, and his right to possession.

In a claim concerning gold, its kind, its degree of purity and its weight should be stated. (And) in a claim concerning a precious stone, its value should be stated, because it is not possible to establish the value of a precious stone by its size on the basis of analogy. Sometimes a small stone is worth more (than a big one) and sometimes a big stone is worth less (than a small one).

If a man claims (an article), he should mention the article (and give) its description, species and value and the judge will listen to his claim. And the judge will ask him (the claimant): "Do you have any witnesses?" If there are witnesses, (the claimant) will be ordered to

syaksinya, disuruh[18] bawa[19]. Jika katanya[20]: 1675
[21]"Hendak aku sumpah, syaksi tiada", disuruh bersumpah orang yang[21] dituntut[22]. Jikalau ia bersumpah, hilang[23] benda yang dituntutnya itu[24]. [25]Jikalau tiada mau ia bersumpah[25], hilanglah tuntutannya itu.

38.2 Bermula jikalau menuntut pada orang mati 1680
atau pada orang gila atau pada kanak-kanak atau pada orang yang ghaib jauh sehari semalam[26] hendaklah dipanggil dengan[27] dua syaksi [28]dengan disuruh bersumpah[28] orang yang menuntut itu, [29]maka disuruh beri yang dituntut itu[29]. [30]Maka jikalau ada syaksi- 1685
nya, [31]syaksi itu bersumpah[31]. Jikalau tiada syaksinya dia[32] bersumpah. Jikalau tiada ia ikrar disuruh oleh hakim [33]ia bersumpah[33] seperti kias yang dahulu juga[30].

Bermula jika [34]menuntut orang yang sudah[34] 1690
baligh, maka dikatakannya hambanya, maka sahut orang itu: "Asalku[35] merdehika", hendaklah dipintai syaksinya [36]atau suratnya akan kenyataannya yang menuntut itu[37]. Jikalau tiada antara keduanya mengadakan[38] 1695
syaksi [39]atau surat bicaranya[39] itu, batallah keduanya[36, 40].

Bermula jikalau seorang menuntut pada seorang, katanya[41]: "Engkau hambaku", maka sahutnya [42]yang dituntut itu[42]: "Sungguh[43] aku hambamu, tetapi [44]engkau merdehikakan[44]," atau "yang berjual aku[45] 1700
kepadamu, ia[46] memerdehikakan aku[47]", dipintanya syaksi bahwa ia dimerdehikakan oleh tuannya. Jikalau ada syaksinya akan dia merdehika[48], dikabulkan hakim[49] syaksinya itu. Jikalau ada syaksinya yang menuntut mengatakan [50]ia hambanya, maka akan[50] syaksi yang 1705
dimerdehikakan[51] lebih utama, jadi merdehika ia.

38.3 Bermula yang sumpah [52]dua perkara, suatu sumpah[52] diperbesar pada menuntut darah[53] dan pada nikah dan talak, pada kembali pada isterinya atau pada merdehika atau [54]pada hal[54] harta dan pada yang 1710
banyak; jikalau emas dua puluh mithkal, akan semithkal itu kurang sekupang[55] dua emas; jikalau benda[56] [57]dihargakan, jikalau[57] ada harganya dua [58]puluh

bring them forward (before the judge). If he says: "I wish to swear, there are no witnesses", then the defendant will be ordered to take an oath. If he (the defendant) takes the oath, the article claimed is lost (by the claimant). If he (the defendant) refuses to take an oath, he loses his right to the article.

38.2 If a man makes a claim against a deceased person or an insane person or a minor or a man who is absent at a distance of one day and one night's journey, he should be summoned together with two witnesses and be ordered to take an oath, then the judge will order that the article (claimed) be handed over to him. If there are witnesses, they (the witnesses) are to take an oath (also). If there are no witnesses, the claimant has to swear an oath. If he (the claimant) refuses to do so, he will be ordered by the judge to take the oath, just as in the case of analogy previously mentioned (and the case is dismissed).

If a man lays claim to an adult person saying that the latter is his slave, and the defendant replies: "I have always been a free man", the claimant should be asked (to produce) his witnesses or written documents in evidence. If both parties cannot produce witnesses or legal documents, (their case) will be null and void.

If a man lays claim to another man, saying: "You are my slave", and the defendant replies: "It is true that I was your slave but you have set me free", or "the person who sold me to you has set me free", then he (the defendant) will be asked to produce witnesses testifying that he (the defendant) was set free by his (previous) master. If there are witnesses testifying that he is a freedman, the judge will accept this in evidence. If there are witnesses for the claimant saying that he is indeed his slave, then preference will be given to the witnesses of the freedman (the defendant), and he will remain free.

38.3 Concerning (the taking of) an oath, there are two cases. First, the greater oath (is taken in cases) such as claiming blood(money), marriage, divorce, reconciliation with one's wife, manumission (of slaves), matters concerning property and things in quantity: in the case of gold, if it amounts to twenty *mithkal* — one *mithkal* is two *emas* less one *kupang* —; and concerning articles the value of which is fixed: if it amounts to twenty *mithkal* in gold, (then the rules concerning the

mithkal emas. Peri[58] sumpah yang diperbesar[59] sekehendak
hati yang [60]menyuruh bersumpah atau dalam mesjid di
hadapan sidang[60] jumaᶜat atas mimbar[61].
Jikalau segala perkerjaan yang tiada ḥadd
dalamnya [62]atau pada harta[62] yang kurang daripada
dua puluh mithkal emas atau pada benda yang kurang
harganya daripada dua puluh mithkal, diringankan
sumpah dengan menyebut nama[63] Allah taᶜala pada katanya:
"[64]Demi Allah taᶜala[64], aku tiada demikian", atau "tiada
hartamu pada aku", lepas [65]yang dituntut daripada
tuntutannya[65] itu. Syaksi pada hak Allah seperti
minum [66]tuak dan arak[66] dan zinah, pada segala yang
tiada[67] hak manusia, tiada dikabulkan. Jikalau
berkata[68] dengan tiada[69] ditanyai oleh[70] hakim,
syaksi fuḍūlī namanya.

38.4 Bermula syaksi [71]itu berdusta ia, di-
taᶜzīrkan[71] oleh hakim [72]dikatai didirikan[72]; jikalau
sangat dosanya, ditulis mukanya, dikelilingkan pada
segala pekan[73] sekehendak hakim akan dia, karena
yang ditaᶜzīrkan [74]itu, sebab[74] tiada bertentu, seke-
hendak hakim[75]. Jikalau[76] dipalu, jangan sampai kepada dua
puluh palunya. Pada segala pekerjaan yang tiada
dihadkan tuntutannya[77], dan dosanya itu[78], ditaᶜzīrkan,
dikatakan hakim, betapa kehendak dikatakan, didirikan[79]
di hadapan jumaᶜat[80], maksud mencari[81] dipermalui.
Bermula maka [82]hendak ada[82] antara yang
menuntut itu ke hadapan[83] hakim, keduanya disuruh[84]
berdiri; disamakan duduknya dengan yang dituntut[85],
keduanya disahut[86] salamnya, bagi hakim diam[87] sehingga
berkata keduanya atau berkata hakim: "Siapa yang
menuntut pada[88] antara kamu kedua ini?" Jikalau ia
menuntut, ikrar yang dituntut[89] itu, disuruh beri.
Jikalau [90]ia munkir, berkata hakim[90] pada yang
menuntut: "Adakah syaksimu?" Jika katanya ada syaksi-
nya, disuruh bawa, [91]betapa kata syaksi[91] dengar.
Jikalau tiada syaksi, [92]disuruh bersumpah[92] yang

greater oath apply). Concerning the greater oath, (it is to be taken) in accordance with the wishes of the person who has demanded that the oath be taken or (it is sworn) on the pulpit in the mosque in the presence of the congregation.

In all matters which do not involve a *ḥadd* punishment or concerning property which is worth less than twenty *mithkal* in gold or in articles of a value less than twenty *mithkal,* the oath will be reduced to the sole mention of the name of God Most High by saying: "By God Most High, I have not done such and such a thing", or "I do not possess your property", (then) the defendant is freed from the claim. Testimony concerning the (violation of a) right of God, for instance, drinking alcoholic drinks and unlawful intercourse, that is to say, in all matters which do not concern the rights of humans, is not acceptable. If (a man) swears an affidavit without being asked by a judge, (he) is called an unauthorized witness.

38.4 A witness who lies (in court) shall be given a *taᶜzīr* punishment by the judge, i.e. (he will) be reprimanded and exposed to public contempt; if the offence is serious, his face will be painted and he will be carried around the marketplaces as the judge thinks fit; because he who is subject to the *taᶜzīr* punishment (is punished) in accordance with the judge's discretion, as (the punishment) has not been fixed (by law). If the culprit is to be beaten, it should not come to twenty lashes (i.e. it should not be more than nineteen lashes). In all cases which do not demand a *ḥadd* punishment and the offence (does not merit so), (the culprit) will be given the *taᶜzīr* punishment, e.g. (he shall be) reprimanded by the judge as the latter thinks fit (or) exposed to stand in public in order to be put to shame.

There should be an intervening passage for the plaintiff to go forward to the judge, (then) the judge will order both of them (the plaintiff and the defendant) to appear before him, and he (the judge) will treat him (the plaintiff) equally as he treats the defendant; (he will) return their greetings and order silence until both the plaintiff and the defendant have presented their (respective) cases, or the judge will say: "Which of you two is the plaintiff?" If he (the plaintiff) makes a claim and the defendant acknowledges it, the judge will order (the article claimed) to be given (to the plaintiff). If he (the defendant) denies (the claim), then the judge will say to the plaintiff: "Do you have any witnesses?" If the plaintiff replies that he has witnesses, the judge will order that the witnesses be brought forward so that their

dituntut itu, [93]hendaklah ia bersumpah pada benarnya, maka dihukumkan pada ketika itu[93].

[94]Jangan dipijak oleh orang yang beracara itu. Tiada ada[95] hakim menghukumkan [96]pada ketika[96] itu amat panas dan pada ketika amat dingin dan (pada) ketika amat lapar dan pada ketika[94] amat kenyang dan[97] pada ketika hendak tidur.

Bermula haram pada hakim[98] menerima hadiah orang[99] yang membawa hadiah kepadanya. Jikalau ada [100]makanan dan belanja baitu'l-māl sekalipun, <haram>[101] mengambil[102] hadiah, jikalau[100] dihukumkan dengan sebenarnya.

Yang bernama kekol itu, diambilnya [103]pemberi orang, maka dihukumkan bukan dengan sebenarnya; itulah hadiah dimenangkan[103] oleh sebab memberi [104]hadiah, itulah kekol namanya. Itulah yang haram atas segala hakim mengambil dia[104].

39. [1]Fasal yang ketiga puluh sembilan[2] pada menyatakan[3, 1]: apabila [4]seorang [c]akil baligh[4] membunuh Islam[5] dengan[6] disahajanya, [7]dibunuhnya itu[7] laki-laki atau perempuan atau[8] kecil atau besar, maka yang[9] membunuh itu dibunuh[10].

Bermula tiada harus Islam [11]dibunuh sebab membunuh kafir[11]; dan tiada harus merdehika dibunuh sebab membunuh [c]abdi dan [13]tiada harus bapa dibunuh sebab[12, 13] membunuh anaknya[14].

Bermula jikalau Yahudi membunuh[15] Nasrani atau kafir majusi [16]sekalipun dibunuhnya itu, tiada setahu orang banyak, di dalam antara itu, maka tahu orang[16], jikalau ia menjadi[17] Islam sekalipun, [18]dihukumkan ia seperti hukum Allah[18].

40.1 [1]Fasal yang [2]keempat puluh[2] pada menyatakan [3]hukum zinah itu atas[1] dua perkara: suatu muḥṣan namanya, laki-laki atau perempuan yang[4] sudah bersuami dengan nikah yang sah. Dan tiada[5] muḥṣan [0]laki-laki yang tiada[0] beristeri dan perempuan yang belum bersuami.

[7]Bermula maka[7] yang muḥṣan itu [8]dihukum direjam dan dilontar[8] dengan batu [0]hingga mati. Maka

testimony can be heard. If (the plaintiff) has no witnesses, the defendant will be ordered to swear (an affidavit) (and) he should swear (to tell) the truth, (then) the judge will give his verdict then and there.

(A judge) should not (let himself) be trampled upon by people who are engaged in a law-suit. The judge should not pronounce his judgement when it is too hot, too cold and when (he is) very hungry, too full (with food) and when (he feels) sleepy.

It is forbidden for a judge to accept gifts from any person who brings (gifts) to him. Even if it is food and money (derived) from the State treasury, it is forbidden to accept them, if he is to pronounce his judgement fairly.

Kekol is understood as follows: he (the judge) accepts gifts from somebody, then pronounces his judgement unfairly: as a result, "the gift has been given the victory", because (someone) has given gifts, (and therefore won his case), and that is what is understood by *kekol* (bribery). Therefore it is forbidden for a judge to accept gifts.

Chapter 39. Rules governing Killing.

39. If a person who is sane and of age wilfully kills a Muslim: whether the person killed is a man or a woman, whether (the person) is small or big, he who kills shall be killed.

It is not permissible to kill a Muslim for killing an infidel: neither should a free man be killed for killing a slave; (nor) a father be killed for killing his son.

If a Jew kills a Christian or even an infidel or a fire-worshipper (and the crime) remains unknown, (and) only later it becomes known, even if the Jew has become a Muslim, he is to be punished according to the law of God.

Chapter 40. Rules governing Unlawful Intercourse.

40.1 Concerning *zinah* (unlawful intercourse) there are two cases: first, (that committed by) a man who is *muḥṣan,* i.e. a man who has been married in a legal marriage; (and second, that committed by) a man who is non-*muḥṣan,* i.e. an unmarried man or an unmarried woman.

When *muḥṣan* he shall be sentenced to the *rejam* punishment and be stoned to death. When non-*muḥṣan,* the *ḥadd*-punishment is that

ghair muḥṣan hadnya[10] didera seratus kali palu[9], di-
buangkan keluar[11] negeri itu[12] setahun lamanya.
Bermula yang muḥṣan itu empat perkara:
[13]pertama Islam, kedua baligh, ketiga ber^{c}akil dan
keempat tiada ia gila[13]. 1795
Bermula hamba [14]laki-laki dan hamba[14]
perempuan hadnya setengah daripada[15] merdehika, lima
puluh kali[16] palu.

40.2 Bermula [17]hukum liwāṭ dan[17] menyertai
binatang seperti hukum[18] zinah juga[19]. Jikalau tiada 1800
setubuh sehingga[20] peluk cium juga[21], dita^{c}zīrkan oleh
hakim. [22]Jikalau dihadkan, dua puluh juga palunya[22].
Bermula dihukumkan hakim[23] zinah dengan
ikrar atau [24]dengan empat orang[24] syaksi [25]laki-laki
yang merdehika[25] melihat orang zinah itu seperti 1805
[26]cul-k masuk ke percul-kan[26].
Bermula jika dua orang syaksi berkata:
"Kami[27] melihat ia[28] zinah pada suatu penjuru"; [29]dua
orang berkata-kata: "Kami melihat ia zina(h) pada
suatu penjuru[29] [30]lain," maka[30] tiada thābit. Pada[31] 1810
hukum zinah itu hendak[32] sekata keempatnya[33] syaksi
itu, maka thābit pada hukum zinah, [34]maka dihukumkan
seperti ^{c}adat yang tersebut dahulu juga adanya[34].

41. [1]Fasal yang [2]keempat puluh esa[2] pada
menyatakan peri[3] hukum memaki orang[4] haram zadah. 1815
Seorang [5]memaki seseorang[5], maka[1] munkir yang
memaki [6]itu daripada[6] tiada [7]ada syaksinya[7], maka
didera[8] delapan puluh kali[9] [10]orang yang memaki itu[10].
[11]Bermula yang memaki itu[11] hamba orang,
maka dipalu empat puluh [12]kali akan dia[12]. Bermula 1820
apabila [13]sama ^{c}abdi[13] atau kafir, hadkan[14] orang
yang memaki[15] itu hingga[16] dita^{c}zīrkan [17]oleh
hakim[17].

42. [1]Fasal yang [2]keempat puluh dua[2] pada
menyatakan[3] hukum[1] orang[4] minum [5]arak dan tuak[5]. 1825
Barangsiapa minum arak dan tuak [6]atau minum[6] barang

he shall be given one hundred lashes and expelled from the country for one year.

Being *muḥṣan* means four things: first, a Muslim, second, of age, third, in full possession of his mental faculties and fourth, (he is) not insane.

The *ḥadd* punishment for a male slave or a female slave is half of that for a free man, that is, fifty lashes.

40.2 The punishment for sodomy and bestiality is the same as that for unlawful intercourse. If no actual intercourse has taken place, and the offence has gone no further than petting, the judge will pronounce a *taᶜzīr* punishment for the offender, and (if) the judge gives the *ḥadd*-punishment, it is twenty lashes only.

Unlawful intercourse is punished by the judge, if (the offender) has made a confession or when four male witnesses (who are) free men have caught the offenders *in flagranti delicto*.

If two witnesses say, "We saw him committing unlawful intercourse in one corner" (and) two other witnesses declare, "We saw him committing unlawful intercourse in another corner", (the offence) is not proven. With regard to the rules governing unlawful intercourse, the four witnesses must agree with one another, only then is the unlawful intercourse proven, (and the offender) shall be given the usual punishment mentioned above.

Chapter 41. Rules concerning Slander.

41. (If) a man slanders another man and the slanderer denies because there were no witnesses present, the slanderer shall be scourged eighty lashes.

If the slanderer is a slave, he shall be given forty lashes. When (the slander) occurs between a slave and another slave or an infidel, the slanderer shall be imprisoned until he is given a *taᶜzīr* punishment by the judge.

Chapter 42. Rules concerning Alcoholic Drinks.

42. (Concerning) anyone who drinks alcoholic drinks or any drink

minuman[7] yang memabukkan[8]: [9]jikalau merdehika empat puluh kali palu didera akan dia[9]; jikalau [c]abdi[10] dua puluh [11]kali deranya[11].

Bermula[12] dihadkan[13] dua perkara, suatu dengan ikrar, suatu[14] dengan dua[15] orang syaksi laki-laki. [10]Tiada dihadkan dengan dicium[16] bau tuak mulutnya [17]ya[c]ni tiada dihukum padanya[17].

43.1 [1]Fasal yang keempat puluh tiga[1] pada menyatakan orang mengambil upahan naik kayu atau menebang kayu. Adapun jikalau diupah oleh seorang akan hamba orang itu, maka tiada dengan setahu tuannya, jikalau mati atau patah, diganti dengan[2] itu setengah harganya[3]. [4]Adapun jikalau ada[4] dengan setahu tuannya, diganti dengan itu sepertiga harganya ya[c]ni sebahagi timbul, dua bahagi hilang.

Adapun jikalau[5] dipinjam [6]dengan itu[6] kepada tuannya, maka disuruhnya naik kayu, maka jatuh mati atau patah, [7]digantinya dengan itu[7] setengah harganya juga. [8]Tammat al-kalam[8].

43.2 [9]Bismi 'llāhi 'r-raḥmāni 'r-raḥīm[9]. Ḳāla 'llāhu ta[c]ālā: Aṭī[c]ū Allāha wa aṭī[c]ū ar-rasūla wa ūli 'l-amri minkum[10]. Bermula pada segala menteri dan sida-sida dan bala tentara sekalian itu, hendaklah seperti firman Allah ta[c]ala [11]dalam Ḳur'ān itu, hendaklah[11] diturut amr bi 'l-ma[c]rūf wa 'l-nahy [c]ani 'l-munkar.

Inilah yang dikerjakan oleh segala menteri dan segala yang memegang pekerjaan ini. Hendaklah kamu dari pagi-pagi hari duduk di balai, karena segala hamba Allah banyak diserahkannya pada segala raja-raja [12]dan menterinya[12], karena sabda Nabi ṣallā 'llāhu [c]alaihi wa sallam: [13]kulluhum rā[c]in wa kulluhum mas'ūlun[14] [c]an ra[c]īyatihi[13] ya[c]ni segala yang kamu ge(m)bala[15] akan[16] ditanyai daripada ge(m)balaan kamu, sebab itulah, jika dapat, hendaklah disuruhkan[17] barang pekerjaan di dalam dunia supaya kita ringan

which is intoxicating: if a free man, he shall be scourged forty strokes; if a slave, twenty strokes.

The *ḥadd* punishment is given on the basis of two things; first, a confession (by the offender); (and second), when there are two male witnesses. The *ḥadd* punishment shall not be inflicted, if someone's mouth just smells of alcohol, that is, he (the man) shall not be sentenced.

Chapter 43. On people who take wages for picking fruits or for felling trees.

43.1 If a man employs someone's slave without the knowledge of his master, (and) if (the slave) dies or breaks a limb, half of the value of the slave must be paid in compensation. If (the slave is employed) with the knowledge of the master, one third of the value of the slave is to be paid, i.e. the hirer is liable for one third of the value of the slave, two thirds are lost by the master.

If a man borrows a slave from his master and orders him (the slave) to climb trees (to pick fruit) and (the slave) dies or has his arm or leg broken, half of the value of the slave is to be paid in compensation. Finis.

43.2 In the name of God, the Compassionate, the Merciful.

God Most High has said: "Obey Allah and obey the Messenger and those of you who have the command over you".

Concerning all the ministers and the *sida*[2] (court-officers) and the fighting men, they should act in accordance with the words of God Most High in the Qur'an, they should obey "the command to do good and the injunction forbidding to do evil."

And this is what is to be done by all the ministers who are holding this kind of office. You should from early morning sit in the hall of audience, because God has to a great extent left all human beings to (the care of) the rulers and their ministers, for the Prophet, may God bless him and give him peace, has said: "*Kulluhum rāᶜin wa kulluhum masʾūlun ᶜan raᶜiyatihi*", that is, all of you, being shepherds, will be questioned about your herds, (and) therefore, if the occasion arises, (we) should willingly take orders and carry out whatever task may be assigned to us in this world so that we may feel without burden in the

di dalam akhirat, karena jikalau raja itu ᶜadil
sekalipun, jikalau tiada menterinya dan segala hakim-
nya[18] melakukan dia, tiada akan dapat berlaku ᶜadil-
nya itu.

Bermula jikalau raja itu berani dan
bijaksana sekalipun, maka menteri dan raᶜyat sekalian[19]
tiada ittifāḳ[20], tiada akan sentosa, adalah seperti
api, jikalau tiada dengan kayunya, niscaya tiada
akan dapat bernyala. Demikian lagi akan segala raja-
raja itu.

[21]Bermula yang bala itu penaka bumi
pada hadith[21]: Al-ᶜabdu ṭīnu 'l-maulā yaᶜni hamba
itu [22]tanah tuannya[22]: [23]jikalau tiada bumi, suatupun
tiada[23] akan tempatnya, karena kata Farsi: [24]Ar-raᶜīyatu
chūn bīkh sulṭān <chū> dirakht[24], yaᶜni yang bala[25] itu
upama akar dan yang[26] raja itu upama pohon kayu.
Jikalau tiada akar[27], pohon pun tiada dapat berdiri,
karena inilah maka aku minta kasih pada kamu sekalian
[28]supaya teguh akar dengan pohon seperti tersebut
itu[28]. Hubaya-hubaya jangan kamu segan ke balai
menafahus segala keluarga yang bersalahan itu supaya
pada yaum al-ḳiāmat [29]acara kamu diringankan Allah
taᶜala[29].

43.3 Bermula[30] segala orang yang bertanam-
tanaman, maka hendaklah[31] pagar dan parit baik-baik.
Jikalau kerbau atau lembu atau kambing masuk[32], jangan
kamu tetak akan dia.

Adapun jikalau malam, hendaklah oleh
yang empunya kerbau lembu [33]itu jangan diberi
lepas. Apabila lepas malam[33], maka masuk ke dalam
kebun orang atau sawah bendang orang, jikalau di-
tikamnya oleh yang empunya kebun atau sawah bendang itu,
maka [34]mati, rugilah yang empunya kerbau atau lembu
itu[34].

Adapun jikalau ditikamnya kerbau [35]atau
lembu[35] orang pada [36]ketika siang hari[36], maka
digantinya, esa pulang dua, karena ᶜadat segala
kerbau lembu atau kambing itu, apabila hari siang,
lepas akan ia mencari makannya.

world to come, because, even if the ruler be just, if he has no ministers or judges to carry out (his orders), his justice cannot take effect.

Even if the ruler is brave and wise but the ministers and subjects do not agree (among themselves), (the country) will not be at peace. It is like fire, if there is no firewood, certainly the fire cannot burn. And so also it is with the rulers.

The soldiers are like the earth, as is said in the tradition: *Al-ᶜabdu ṭīnu'l-maulā,* that is, the subject is the land of his Lord; if there is no land, there would not be any place for him, i.e. the ruler, to live, because a Persian proverb says, *Ar-raᶜiyatu chūn bīkh sultān <chū> dirakht,* that is, the subjects are like roots and the rulers are like trees. If there are no roots, the trees cannot stand (and) therefore I ask you for your co-operation, so that roots and tree may stand firmly together as has just been stated. On no account should you be reluctant to go to the hall of audience to investigate the families who have committed offences so that your trial will be lightened by God Most High on the Day of Resurrection.

43.3 All cultivators should fence (their fields) properly and make ditches around them. If a buffalo or an ox or a goat enters (the field), you are not to stab it.

At night, the owner of buffaloes or oxen should not let (the animals) stray about. If (an animal) is allowed to stray and it enters someone else's garden or rice-field, whether irrigated or not: if it is stabbed to death by the owner of the garden or the rice-field, the owner of the buffalo or ox has to suffer the loss.

If a man stabs a buffalo or an ox in the daytime, he must pay twice the (original) value in compensation, because it is customary for a buffalo or an ox or a goat to be set free at daybreak to search for food.

43.4 Bermula[37] jikalau ada sesuatu benda orang yang tinggal, maka didapat oleh seseorang[38], maka tiada disyaksikannya[39] pada orang [40]tuha, maka disilihnya[40], esa pulang dua; dan jikalau [41]ada disyaksikannya[41], sepuluh dua [42]akan dia[42]. Demikianlah hukumnya benda yang [43]didapat oleh[43] orang itu.

43.5 Bermula jikalau orang merogol anak orang, [44]atau saudara orang[44], maka hukumnya itu mati seseorang juga. Adapun jikalau ada[45] kasih keluarganya, maka didudukkannya, kemudian belanjanya dengan[46] isi kahwinnya digandakannya. Itulah [c]adatnya. Jikalau ia tiada mahu kahwin[47], maka dipalunya dan dinistanya, dan ditinggalkannya. Maka dibalas[48] oleh keluarganya si laki-laki [49]itu, salah pada hukum. Jikalau mati[49] dibunuh kembali, begitulah hukumnya.

43.6 Bermula jikalau orang itu merampas, jikalau harga sekeping picis sekalipun dengan[50] nama rampas juga. Jikalau [51]dibunuh oleh orang yang kena rampas[51] itu, mati saja, karena penyamun namanya itu. Adapun[52] rampas itu sedikit pun sama, banyak pun sama.

43.7 Bermula jikalau orang berjudi dan bercuki dan berparih dan bermain pasang dan [53]<berkocok daun>[53] dan menyabung, sekaliannya itu nama judi juga. Kemudian jikalau ia berbantah atau berkelahi, maka ia datang mengadu kepada hakim, dirampas hukumnya. Jikalau ia melawan, dibunuh[54] hukumnya.

Adapun [55]permainan itu yang[55] dapat diadukan kepada hakim[56], jikalau ia[57] bertaruh sekalipun barang berapanya, hanyalah dua perkara: pertama catur, kedua jogar, karena permainan segala orang besar-besar. Itulah yang boleh kamu adukan kepada hakim.

43.8 Bermula akan[58] segala orang yang berhutang itu berapa lamanya[59] sekalipun hanya[60] sekali ganda juga [c]adatnya dipinta[61] oleh orang[62] yang berpiutang itu. Bermula adapun segala orang yang berutang[63], apabila

43.4 If an article is left behind and is later found by someone: if he (the finder) does not bring it to the attention of the elder, he must pay double the value of the article in compensation; if he has brought it to the attention (of the elder), (he) shall receive a reward of two tenths (of the value of the article). Such is the law regarding articles found by someone.

43.5 If a man rapes someone's daughter or sister, the penalty is death for the individual (concerned). If the family (of the female) feels sympathy (for the offender), he (the offender) shall be made to marry (the girl) and after that he shall have to pay the costs (of the wedding) and the bridal gift in double (the amount). Such is the custom. If he (the offender) refuses to marry (the girl), he shall be beaten, abused and left alone. If the man's (the offender's) relatives take revenge, it is a criminal offence. If he (the offender) is killed, the killer shall be killed. Such is the law.

43.6 If a man commits an act of robbery, even if the value (of the article taken) is only one *picis,* it still remains robbery. If he (the robber) is killed by the man robbed, he simply dies (i.e. his death is considered accidental), because this is what is understood by *penyamun* (a robber who uses violence). Concerning robbery, whether the amount taken is small or great, it remains robbery.

43.7 If a man engages in gambling and playing *cuki,* playing cards, staking money and shuffling cards and cockfighting, all these are to be categorized as "gambling". If afterwards he (the gambler) becomes involved in a dispute or a fight, and then (he) lodges a complaint with the judge, the sentence is that everything is to be confiscated. If he (the gambler) resists, he shall be sentenced to death.

Concerning games about which a complaint may be lodged with the judge, however high the stakes, there are only two cases. First, chess, second, *jogar,* because these are games played by high dignitaries. These are the games about which one may lodge a complaint with the judge.

43.8 With regard to people who are in debt, however long (the debt has remained unpaid), the creditor can only claim the double amount according to custom. With regard to debtors, if their wives and children are ignorant (of the debts), it is not permissible to demand payment

tiada tahu anak isterinya tiada[64] harus ditunggu[65] kepada anak isterinya itu. Adapun jikalau ada [66]anak isterinya mengaku serta dengan syaksinya[66], haruslah ia[67] ditunggu. Inilah hukumnya.

44.1 Fasal yang keempat puluh empat [1]pada menyatakan undang-undang negeri. Bermula[1] segala orang yang berutang, maka ada anak isterinya, maka[2] seorang lakinya juga masuk kerja dalam, tetapi utang itu sama [3]<dengan anak isterinya menanggung>[3], anak isterinya kerja luar, maka mati dalam kerja yang empunya emas itu, tiada harus ditimpakan [4]kepada anak isterinya utangnya itu[4] melainkan dibahagi tiga, yang sebahagi itu anak[5] isterinya membayar dia, yang dua bahagi itu hilang, itulah [c]adatnya.

Bermula segala orang[6] yang berutang itu, isterinya tiada harus dipernakal, [7]hilang emasnya itu, karena ia merdehika[7].

Adapun barang benda yang dihilangkannya [8]itu disilihnya[8]. Apabila tiada terbayar olehnya, dinaikkan kepada utangnya.

Apabila perempuan bujang yang berutang itu, jikalau dipernakal [9]ia, maka[9] hilang emas itu akan belanjanya. Jikalau tiada mau laki-laki itu menikah perempuan itu, hilang emas itu [10]sebahagi, demikianlah[10] [c]adatnya.

44.2 Bermula segala hamba orang yang dijual orang, apabila[11] bertemu dengan tuannya, maka ditebus[12] [13]oleh tuannya[13] seperti harganya yang dibelinya itu juga. Itulah [c]adatnya.

Bermula segala hamba orang yang lari [14](dari) benua satu ke benua satu[14], harganya itu empat puluh; jikalau tuannya hendak menebusnya sepe(r)-dua harganya. [15]Jikalau lari dari benua lain datang ke benua lain, itupun demikian juga [c]adatnya[15].

44.3 Bermula jikalau orang merdehika mengambil hamba raja, maka iaitu jadi hamba raja hukumnya; jikalau hamba orang mengambil hamba raja, hukumnya dipalu seratus kali.

from them. If the wives and children acknowledge (the debt) and there are witnesses, it is permissible to demand payment from them. Such is the law.

Chapter 44. Undang[2] Negeri (Laws of the Land).

44.1 Concerning debtors who have wives and children: the husband alone enters the service (of the creditor) even though the debt is the common responsibility of the husband and his wife and children; the wife and children do not enter the service (of the creditor, and) should (the husband) die in the service of the creditor, it is not permissible to let (the burden of repaying) the debt fall on them, but (the debt) will be divided into three parts, one third is to be paid by the debtor's wife and children, two thirds are lost (by the creditor). Such is the law.

Concerning debtors: a debtor's wife should not be molested, (if she is), the money is lost, for she is a free person.

He who loses (someone's) article has to replace it. If he is unable to do so, its value will be added to his debt.

When the debtor is an unmarried woman: if (she) is ravished, the debt is lost as (her marriage) expenses. If the man refuses to marry the woman, half of the sum due is lost, such is the custom.

44.2 Concerning slaves who are offered for sale: when he (the slave in question) encounters his (former) owner, the latter can buy him back for the same price as his (present) owner has paid for him. Such is the custom.

Concerning slaves who run away from one land to another, (they are) valued at forty: if the slave's owner wishes to buy him back, the price is half. If (a slave) runs from one land to another land, then the same custom prevails.

44.3 If a free man carries off a royal slave, the verdict is that he (himself) shall become the slave of the ruler. If it is a slave who carries off a slave of the ruler, he shall be given one hundred lashes.

Dan barangsiapa memalu hambanya, maka mati iaitu salah kepada[16] hukum Allah dibunuh[17] raja atau[18] dihukumkan akan dia lima tahil sepaha.

Dan barangsiapa memalu hamba raja tiada dengan salahnya, maka iaitu salah kepada [19]<yaum al-mithāḳ>[19]. Jikalau ia salah, sekalipun tangkap, bawa kepada orang yang memegang dia. Jikalau patut [20]mati, iaitu mati[20]. Jikalau patut kena hukum, dihukumkan, karena hukum itu raja yang empunya hukum akan segala hambanya yang salah itu.

44.4 Adapun segala hamba kamu yang salah itu, hendaklah [21]tegur ajar[21] oleh kamu sekalian, karena pada yaum al-ḳiāmat atas batang leher kamu tergantung pekerjaan itu. Inilah ᶜadatnya.

[22]Bermula baginda[22] menitahkan hambanya sekalian Sulṭān al-ᶜādil al-kāmil Sulṭān Muẓaffar Syāh [23]khallada[24] 'llāhu mulkahu wa sulṭatahu afāḍa ᶜalā 'l-barāyā ᶜadlahu wa iḥsānahu[23]. Ialah yang mengikut perintah ayahanda baginda Seri Sultan Mahmud Syah khalīfatu 'l-mu'minīn, [25]ẓillu'llāhi[25] fī 'l-ᶜālam, melainkan hukum Allah taᶜala di dalam dunia pada segala hambanya[26], yang tiada taḳṣīr daripada[27] melakukan firman Allah taᶜala di dalam dunia dan di dalam akhirat pada[28] segala hamba Allah. At-taᶜẓīm li amri'llāh wa 'sh-shafāᶜa ᶜalā khalḳihi[29]. Demikianlah amr bi 'l-maᶜrūf wa 'l-nahy ᶜani 'l-munkar[30].

Adapun[31] barangsiapa melalui firman Allah taᶜala dan sabda nabi dan barangsiapa menolak dan [32]melebih berbuat sakit[32] itu, hukumnya[33] didera seperti emas dan perak, lagi ia demikian dibuatnya.

44.5 Jikalau syahbandar itu berniagakan timah [34]sebesar-besar timah[34] seratus tengah tiga belas rial harganya[35]. Jikalau s-k-t[36] seratus seribu selaksa sekalipun, tiada lebih daripada [37]itu lagi[37] bilangan itu. Barangsiapa tiada menurut dia[38] durhakalah ia ke bawah duli iaitu[39] hukumnya mati dan rumah tanggannya masuk bendahari.

Whoever beats his slave to death has violated the law of God (and) shall be killed on the order of the ruler or (he shall) be fined 5¼ *tahil.*

Whoever beats a royal slave without any fault on the part of the slave, has violated (the agreement made at) the Day of the Covenant. If he is guilty, arrest him forthwith and bring him to the person who has control over him. If he (the slave in question) deserves death, let him die. If it is fitting to punish him, let him be punished, because it is the prerogative of the ruler to punish his subjects when they trespass against the law.

44.4 With regard to your slaves who have committed an offence, you should admonish them, because on the Day of Resurrection, you will have to account for your deeds. Such is the custom.

His Majesty commands all his subjects, the Just, and Perfect Sultan, Sultan Muzaffar Syah, may God forever preserve his sovereignty and dominion (and) may He (God) bestow upon his creatures his justice and benevolence. It is he who follows the rule of his royal father, His Majesty Seri Sultan Mahmud Syah, the Paramount Ruler of the Faithful, the Shadow of God on Earth, who carries out only the law of God Most High in this world with regard to all his subjects, and who is not negligent in his duty to execute the commands of God Most High in this world and in the world to come with regard to God's creatures. Glorification to the command of God and mediation (of His Messenger) on behalf of His Creatures. Such are "the command to do good and (the injunction) forbidding to do evil".

With regard to any one who trespasses against the commands of God Most High and the commands of the Prophet and whosoever refuses (to do good) and causes excessive sufferings, his sentence is that he shall be beaten like gold and silver, (and) even more will he be treated so.

44.5 If a Harbour-master engages in trading tin, the value shall be at its highest one hundred twelve and a half *rial.* Even if the *s-k-t* is one hundred, one thousand or ten thousand, it should not exceed that amount. Whosoever does not obey this regulation, he is guilty of high treason against His Majesty, that is, he shall be sentenced to death and his family shall become the property of the treasury.

44.6 Bermula jikalau hamba raja itu dicuri orang, maka didapat orang hamba raja itu, esa[40] pulang [41]dua kali[41] tujuh. Jikalau raja yang belum kerajaan sekalipun, sekali[42] tujuh juga.

Adapun akan hamba menteri itu esa pulang lima, [43]dan jikalau[43] hamba sida-sida, esa pulang tiga. Adapun jikalau hamba sekalian bala tentara, esa pulang dua. Jikalau muflis[44] dibunuh hukumnya.

Adapun hamba orang lari, jikalau di dalam kota, maka oleh yang mendapat itu hendaklah dibawanya ke jambatan[45]. Jikalau bertemu dengan tuannya, hendaklah dibayarnya [46]pendapatannya barang berapa patut[46] kepada syahbandar. Tiga hari disyaksikannya juga[47], jikalau tiada bertemu dengan tuannya lepas daripada tiga hari itu, maka dibawanya kepada hakim. Jikalau tiada dibawanya kepada hakim, salah ia, kena kesalahannya orang itu setahil sepaha. Itulah ᶜadatnya.

Bermula jikalau hamba orang terpalu karena oleh candal mulutnya, lalu mati, maka dendanya itu sepenuh[48] harganya, tetapi pada hukum Allah, yang membunuh itu dibunuh pula. [49]Dan jika(lau) merdehika itu dimakinya[49] oleh hamba orang, demikian juga ᶜadatnya seperti yang tersebut dahulu itu. Demikianlah hukum kias[50].

44.7 [51]Bermula adapun[51] daripada zaman purbakala ᶜadat segala anak orang keluaran atau[52] anak orang besar-besar sekalipun tiada boleh memakai gelang kaki emas melainkan anak raja-raja juga boleh[53] memakai dia.

Bermula segala orang yang beremas[54] itu tiada[55] dapat dipakainya seperti yang telah[56] dilarangkan dahulu itu.

44.8 [57]Inilah hanya[57] kelebihan kami[58] raja-raja daripada bala tentara sekalian. Inilah kami pinta [59]kepada kamu[59] sekalian, karena kamu[60] sekalian pun raja-raja yang turun temurun juga. Demikianlah titah Duli Yang Dipertuan. Wa'l-salām bi'l-khair ajmaᶜīn. Insyā 'llāh taᶜala bahwa Allah taᶜala memberi kurnia akan kamu sekalian[61].

44.6 If a slave of the ruler is stolen by someone, and (later) he (the slave) is discovered, he (the thief) is to compensate (the value) of the slave in twice sevenfold; even if he (the slave in question) belongs to a prince who is not yet crowned, it will be once sevenfold only.

With regard to the slave of a minister, it is fivefold, and if it is the slave of a court officer, it is threefold. If it is the slave of the rank and file, it is twofold. If the thief is bankrupt, he shall be sentenced to death.

With regard to a slave who has run away: if (the slave is found) in the town, the finder should bring him to the bridge to be shown for three days. If (the finder) comes across the owner, (and gets a reward), he has to pay a suitable amount of the reward to the Harbour-master. If the finder does not meet the owner after three days, he should bring the slave to the judge. If he does not do so, he is guilty and the fine for his offence is 1¼ *tahil*. Such is the law.

If someone's slave is beaten for his vulgar language and consequently dies, (the killer) shall be fined the full value of the slave, but according to the law of God, he who kills shall be killed in turn. If a free man has been abused by a slave, the custom is the same as that mentioned above. Other cases are to be decided by analogy.

44.7 From olden times, it has been customary that children of the common people or even the children of high dignitaries are not allowed to wear gold anklets but only children of royal parentage are allowed to wear them.

All those who have gold in their possession are not allowed to wear it, this is in accordance with the prohibition made long ago.

44.8 Only these are our royal prerogatives over the fighting men. This is why we make an appeal to you, because all of you are of ancient royal descent. Such is the decree of His Majesty.

Peace and prosperity on everyone. If God is willing, may God Most High bestow His grace upon all of you.

[62]Tammat Undang-undang Negeri kepada enam belas hari bulan Sa[c]ban kepada hari Arba[c]a waktu jam pukul sepuluh, al-tarikh seribu dua ratus sepuluh enam kepada tahun jim. Tamma[62].

44.9 [63]Bermula adapun yang menjunjungkan titah [64]ini yang sida-sida[64] Ahmad namanya, anak inang pada zaman Duli Yang Dipertuan Sultan Mahmud[65] Syah Al-Ghazi di Bintan, tatkala pergi[66] Feringgi kafir la[c]nat Allah mengadap baginda itu, titah menghukumkan segala orang yang tertawan[63].

Adapun akan segala biduanda[67] raja dan ra[c]yat raja, pulang ke bawah Duli Yang Dipertuan, tiada bertebus dan segala hamba orang keluaran setengah[68] tahil emas tebusnya dan yang [60]kecil sedikit dua emas dan yang lagi[69] menyusu itu seemas tebusnya[70].

44.10 Bab peri[71] denda segala anak raja-raja itu sekati lima tahil, lantannya[72] empat tahil emas, [73]pemakannya tengah tiga puluh rial[73]. Adapun akan faedah sekati[74] itu ke bawah Duli Yang Dipertuan, dan yang lima[75] tahil itu akan mendelika, dan lantannya empat tahil itu akan menteri, yang pemakan [76]tengah tiga puluh[76] emas akan temenggung.

[77]Adapun akan denda sepuluh tahil tengah tiga tahil emas itu, lantannya[78] dua tahil dan pemakan sembilan emas tiga busuk. Adapun faedah yang sepuluh tahil itu ke bawah Duli Yang Dipertuan dan yang tengah tiga tahil itu akan mendelika, lantannya dua tahil itu akan menteri, yang pemakan sembilan emas tiga busuk itu akan temenggung[77].

Bermula denda tujuh tahil sepaha emas itu lantannya setahil emas, pemakan[70] empat emas tiga busuk. Adapun yang enam tahil itu ke bawah Duli Yang Dipertuan dan yang dua tahil itu akan mendelika, lantannya setahil sepaha itu akan menteri, yang pemakan tengah empat puluh perak itu akan temenggung. Demikianlah [c]adatnya[80].

44.11 Undang-undang Melayu yang dititahkan Duli Yang Dipertuan, yang tersurat di atas[81] ini, dilimpahkan kepada segala negeri, [82]daripada suatu negeri kepada

Here ends the *Undang-undang Negeri* on the 16th of Sa^{c}ban, Wednesday, at ten o'clock, in the year 1216, a Jim year.

The End.

44.9 He who carried out the royal order was a court-officer by the name of Ahmad, the son of a duenna at the time of His Majesty Sultan Mahmud Syah Al-Ghazi at Bintan, when the Portuguese, the unbelievers, may God's curse be upon them, went to present themselves before His Majesty, (and His Majesty) ordered that all the prisoners captured be punished.

With regard to a ruler's *biduanda* and the common people, they are returned to the ruler and are not subject to the regulations governing ransom (*tebus*). As to the slaves of all commoners, the ransom money is half a *tahil* in gold, those slightly younger are two *emas*, and those who are still suckling, the ransom money is one *emas*.

44.10 Concerning the fine for children of royal family: it is one *kati* and five *tahil*, its *lantan* is four *tahil* in gold, its *pemakan* is twenty five *rial*. One *kati* is to be paid to His Majesty, the five *tahil* are for the *mendelika*, the *lantan* of four *tahil* is for the ministers, the *pemakan* of twenty five *emas* is for the Police-Chief.

As for the fine of ten *tahil* (and) two and a half *tahil emas*, its *lantan* is two *tahil*, the *pemakan* is nine *emas* and three *busuk*. Ten *tahil* are to be paid to the ruler, two and a half *tahil* are for the *mendelika*, its *lantan* of two *tahil* is for the ministers, the *pemakan* of nine *emas* and three *busuk* is for the Police-Chief.

As for the fine of seven *tahil* and one *paha emas*, its *lantan* is one *tahil* in gold, the *pemakan* is four *emas* three *busuk*. With regard to the six *tahil*, these are for the ruler, the two *tahil* are for the *mendelika*, its *lantan* of one *tahil* and one *paha* is for the ministers, the *pemakan* of thirty five in silver is for the Police-Chief. Such is the custom.

44.11 The Malay laws which were made on the order of His Majesty and put in writing, have been bestowed on the land, from one settlement to another, from one village to another, from one river bend to another,

suatu negeri, daripada suatu dusun kepada suatu dusun daripada suatu teluk kepada suatu teluk, daripada suatu anak sungai kepada suatu anak sungai sekaliannya[82].

Barangsiapa melalui seperti yang tersebut di dalam undang-undang ini [83]durhakalah ia[83] ke bawah Duli Yang Dipertuan, karena undang-undang [84]ini pun[84] turun temurun daripada zaman Sultan Mahmud[85] Syah hingga sampai dua puluh tiga raja-raja[86] datang sekarang ini, tiadalah[87] berubah ᶜadat undang-undang ini kepada segala raja-raja yang besar-besar itu, [88]kararlah ia[88] dengan [89]segala bala[89] tentaranya dan [90]suku sakainya[90], maka [91]kita minta[91] kepada Allah taᶜala supaya jangan berbuat aniaya kepada segala hamba Allah, [92]niscaya kararlah[92] kepada pekerjaan kamu masing-masing. Tammat[93].

[94]Wa ṣallā 'llāhu ᶜalā Saiyidinā Muḥammad wa ālihi wa saḥbihi ajmaᶜīn bi raḥmatika yā arḥam ar-raḥīmīn[94].

from one reach (of a river) to another, (and) from one tributary stream to all the other tributary streams.

Whosoever trespasses against what has been stated in these laws is guilty of high treason against His Majesty, because these laws have been in use since the time of Sultan Mahmud (and) carried down through the reigns of twenty-three rulers until the present day, and they (these laws) have never been changed during the reign of these great rulers, who were firmly established in their rule with their armed forces and all their subjects, and we implore God that we may refrain from doing any injustice to God's subjects, then certainly each of you will be firmly established in your task.

The End.

May God bless our Lord Muhammad and his family and his Companions altogether, by your grace, O Most Gracious of all those who are gracious.

COMMENTARY

5-8 *hukum kanun. Kanun,* Arabic *ḳānūn,* law, rule, regulation, but is here used as a synonym of *ᶜadat,* custom or customary. *Hukum kanun,* customary law, is used in contrast with *hukum Allah,* the law of God.

36 *Sultan Iskandar Syah* (1390-1413/4). The Malay text is confusing here. It identifies Sultan Iskandar Syah, the first ruler of Malacca, with Sultan Mahmud (or Muhammad) Syah (1424-1444), the first Malacca ruler to embrace Islam. It ignores Sultan Megat Iskandar Syah (1414-23/4) altogether. See Wang Gungwu (1968), p. 22.

42-5 *Sultan Muzaffar Syah* (1450-58). It was this Malacca ruler who ordered the compilation of the Malacca laws. During his reign, the Thais twice tried to invade Malacca in vain. *Sultan Mansur Syah* (1458-77); *Sultan ᶜAla'u'd-Din Riᶜayat Syah* (1477-88); *Sultan Mahmud Syah* (1488-1511; -1528). Sultan Mahmud Syah was the last ruler of Malacca who was driven out of Malacca by the Portuguese in 1511. He is very likely the Sultan Mahmud Al-Ghazi mentioned in line 2054 of the Malay text. See Moorhead (1959) and Cadi (1964), pp. 158-9.

53 *ᶜadat majelis; majelis,* (Ar. *majlis*), in Malay legal texts, is synonymous with *perintah,* rules and regulations, cf. the Achehnese *meudjelis.* Drewes and Voorhoeve (1958), p. 15.

65-6 *hulu keris emas seperti merubi dan bawang sebongkol.* The handle or hilt (*hulu keris*) is of gold and looks like a yam (*ubi*) or a knob of bulbs. For a recent description of *keris* and *keris* types, see Hill and Hodgson (1970).

122 According to Winstedt, death was also the penalty for these ten offences in Hindu law. But the ten offences or crimes (dasāparādha) mentioned by Julius Jolly are slightly different. Winstedt (1956), p. 100; Jolly (1928), p. 268.

147 *Amr bi'l-maᶜrūf wa nahy ᶜani'l-munkar.* Watt (1968), p. 96; Skinner (1963), p. 227.

152 *Didenda atasnya sekati lima tahil.* This seems to be the blood money to be paid to commute the death sentence.

163-9 A transposition seems to have occurred. These lines should be in Chapter I where the requirements of a ruler's subjects and the ruler himself are mentioned.

167-8 *tatkala ia menjatuhkan hukum itu dengan keras perangainya.* Dr. Roolvink suggests an alternative translation: "At the same time strict, i.e. he does not let himself be influenced by emotions, i.e. *keras perangainya*".

192 *kias* (Arabic *ḳiyās*), reason by analogy, one of the four *uṣūl al-fiḳh.* Schacht (1964), p. 114.

199-200 *Orang yang melepaskan itu.* The absence of this phrase in AB changes the meaning of the sentence to: if he is not killed, i.e. if he is pardoned, he must become a slave of the ruler.

209-10 *The Qur'an,* V: 42: "As for the thiefs, male and female, cut off their hands as a recompence for what they have piled up — a chastisement from Allah;"

220 *Dengan* used in its old meaning of *a slave* is rare in Malay texts. It is usually changed to *hamba,* or *ᶜabdi. MED,* s.v. *dengan.*

234 *judah mulutnya,* 'given to free talk'. Klinkert (1947), s.v. *judah.*

236 To make the meaning clear, I have added "to slap him" in the translation.

239-40 *The Qur'an,* II: 173: ". . . retaliation in the matter of the slain is prescribed for you, . . ."

254-45 *tetapi kepada hukum Allah bersalahan, yang membunuh itu farḍu dibunuh pula.* An alternative reading is also possible: *tetapi kepada hukum Allah, bersalahan yang membunuh itu, farḍu dibunuh,* but according to the law of God, he who kills is in the wrong (and) must be executed.

255-6 *supaya jangan tertanggung haknya itu kepada kita.* In the *Malay Annals,* a precocious child was put to death and he was said to have *menanggung haknya atas negeri itu,* lit. he laid his rights as a burden upon the city. Brown (1970), p. 215, footnote 175.

286 *biduanda, muda-muda, hamba, sakai, hamba raja.* These are types of servants or slaves distinguished in the text.

287 *kita. Kita* is used here as an indefinite pronoun, meaning *one,* and not *we.*

316 *taᶜzīr.* It is a kind of punishment imposed by the judge at his discretion for offences like slander and the bearing of false witness where no *ḥadd* punishment has been prescribed. E.I.[1], s.v. *taᶜzīr.*

321 The thief is apparently a slave.

327 *mati sahaja.* In other words, the killer is not held responsible for the death.

343 CD add: *supaya jangan kamu sekalian berbuat lagi-laginya. Demikianlah hukumnya,* "See that you do not commit the same offence again. Such is the law". This may originally have been a copyist's comment in the margin of a manuscript while copying the text. Later it became incorporated in the text. *Lagi-laginya* may be a copyist's error and perhaps we should read: *lagi*[*-laginya*].

401 *muḥṣan.* According to Islamic law, by *muḥṣan* is understood a male or female person who is of mature age, sane and has had sexual intercourse in a valid marriage. Juynboll (1925), p. 306; E.I., s.v. *muḥṣan.*

404 According to Islamic law, he is in addition to be expelled from the country for one year. E. Sachau (1897), p. 809.

406-8 *The Qur'an,* XXIV: 4: "Those who cast (imputations) upon women under ward and do not bring forward four witnesses scourge (them) with eighty stripes, and do not ever accept any testimony of theirs again; . . ."

435 *ulur kepada.* It should perhaps be read: *dihulurkan kepada*

(to be delivered as a debt-slave to), which was later corrupted into *dahulu* in CD.

463 For a description of these kinds of punishment, see further: Pepys (1916).

465 *The Qur'an,* XXXVII: 94 has only: "Though Allah hath created you and that ye make?" The rest is not a quotation from the Qur'an.

475 Here A and B have an irrelevant insertion (the wordings are slightly different) on how important it is to help those who have suffered from injustice.

597 *ṭaḳṣīr fuḍūlī. Taḳṣīr,* defect, fault. *Taḳṣīr fuḍūlī,* the fault of an unauthorized agent.

610-1 *Apabila zinah itu tiada dapat membunuh, dibunuh pula hukumnya.* The text is rather corrupt. Some words, perhaps one whole sentence, have been left out. Dr. Roolvink suggests an alternative translation: In case of *zinah,* one cannot kill, (if one does), one is killed in turn.

615 So that the husband might not commit homicide.

634 *pohon pekerjaan. Pohon* usually means 'to request, to solicit' but here it is used in the sense of 'to instigate, to urge on'. *Pekerjaan* is used here to denote an act of murder.

652 *talkin.* "The object of the talqīn formula (Ach. teuleukin) is chiefly to let the newly buried hear the confession of faith once more before taking leave of him." Snouck Hurgronje (1906), I, p. 427.

698-9 The text seems to imply that hiring someone to commit an act of violence is not considered a crime, provided that it is done with the knowledge of the judge.

700 Apparently a sentence or even a whole passage has been left out here, because what follows is not a logical continuation of the foregoing passage.

740-4 Dr. Roolvink suggests another interpretation of the text: "In like manner, this also applies on the basis of reasoning by analogy to all those things which fall into the category of

defect (ᶜaib), for instance, in case a woman finds out that her husband is already married (so that she would have to share him with another woman) or when a man has taken a wife but appears to be impotent or when one of the partners becomes afflicted with a serious illness like gangrenous ulceration or *sopak* of whatever kind of revolting disease."

758 *busung darah, bawasir* and *sopak faraj.* For an explanation of these terms, see *MED* and Gimlette (1936), s.v.

765 *Tamma,* 'Finis'. This is an indication that an originally independent text was incorporated in the *Undang-undang Melaka.* The copyist slavishly copied the word *tamma* (finis), even though the text still goes on.

788 *dikisas.* Islamic law states that no *ḳiṣāṣ* (retaliation) can be demanded of a person who is insane or drunk. *Fatḥ al-Qarīb,* p. 546.

864 *Huma, ladang, sawah* and *bendang.* All these terms refer to types of rice-field. *Huma* means cultivation on dry soil; *ladang,* unenclosed plantation on dry ground; *sawah,* land cultivation with wet rice, and *bendang* is irrigated rice-field. *MED,* s.v.

865-6 "Living land" and "dead land" are literal translations of *tanah hidup* and *tanah mati.*

910 *tahu.* This may be *tahu* in the meaning of "suitable for" still found in Toba-Batak. In Malay literature, there are words whose meaning are no longer in use, but are still found in present day Toba-Batak. A well-known example is the *pertuturan* mentioned by Dr. Roolvink. Another example is the *tunggu* in line 1935. Van der Tuuk (1861), s.v. *tahu*; Roolvink (1967), pp. 304-5, footnote 8.

966 *memerunnya.* According to *MED, perun* is burning what is left after the first burning (when clearing land). Thus, if someone sets fire to a cultivation prematurely, and cannot burn up the cultivation, he has to clear up the cultivation.

971 The text is rather corrupt here. Dr. Roolvink remarks that both the reading of *sama teman* (CD) and *semangat* (A) make no sense and suggests that it might be read as *siapa nama.*

973 All MSS have *membakar* (to burn) which does not make sense. I have emended it to *memagar* (to fence) and translated accordingly.

1033 *kena tiang belah.* Meaning not clear but Klinkert (1947) explains *setiang belah* as "debt occurred because of unpaid wedding gifts".

1060 *melainkan jikalau ada derma kurnianya akan orang yang mendapat dia itu.* Dr. Roolvink suggests the following translation: "But it is left to the discretion of the owner to pay an indemnification to the person who recovered the vessel".

1093 This is indicative of the special relationship existing between *syahbandar* and foreign merchants.

1130-4 The text here clearly states that a son who is not a bad character can spend his father's money and is liable for half of the money only.

1164 *harus* (permissible). Islamic law distinguishes five classes of qualifications known as *al-aḥkām al-khamsa.* They are: (1) obligatory duty (*wājib, farḍ*); (2) recommended (*sunna, mustaḥabb, mandūb*); (3) indifferent (*mubāḥ, jā'iz*); (4) reprehensible (*makrūh*); (5) forbidden (*ḥarām*). *Harus* is the Malay translation of the second qualification, the performance of which is recommended but its omission is not sinful. Juynboll (1925), p. 47; Schacht (1964), p. 121.

1164 *ḳaul aẓhar,* a "clear" doctrine, is a widely accepted doctrine but is rejected by an-Nawawī. See *Minhaj et Talibin,* p. xiv.

1173 *thayyib.* The text is corrupt and I have made an emendation based on what is written in Islamic law books. Abu Shujā^{c}, p. 3, no. 10; *Fatḥ al-Qarīb,* pp. 456-8.

1173-9 Abu Shujā^{c} states that a girl who is *thayyib* should not be married off by her guardian unless she has attained majority and with her consent. Abu Shujā^{c}, p. 3, no. 10; *Fatḥ al-Qarīb,* p. 458.

1179 *ḳaul yang sah,* 'accepted legal doctrine'. According to an-Nawawī, *aṣ-saḥḥ* is a doctrine where the contrary is maintained by authorities of repute. See *Minhaj et Talibin,* p. xiv.

1196 *safratu'l-ḳaṣr,* the minimum distance. According to Snouck Hurgronje, this minimum distance is about 84 miles. Snouck Hurgronje (1906), I, p. 332.

1220-4 The six requisites of a witness as mentioned by Abu Shujā^{c} are slightly different. Instead of *ṣāliḥ* and *murshid,* Abu Shujā^{c} gives *Islam* (al-Islām) and *of age* (al-bulūgh). *Mursyid,* a leader or adviser, is clearly wrong here. What is meant is perhaps *rasyid,* sensible and of full legal age. *Fatḥ al-Qarīb,* p. 452; Abu Shujā^{c}, p. 1, no. 6; Juynboll (1925), p. 230.

1234-8 This passage is rather corrupt and I have made some slight emendations based on Abu Shujā^{c}'s *at-Taqrīb.* According to Abu Shujā^{c}, there are five kinds of diseases (defects) which will render a marriage invalid. The first three defects are common to both men and women, namely lunacy, elephantiasis and leprosy. There are two defects which apply only to women, namely *rataḳ* and *ḳaran* (Ar. *ḳarn*) and two which apply only to men, namely *jabb* (castration) and ^{c}*unna* (impotence). The Malay text has combined the defects for men and women and has thus made the text confusing. Abu Shujā^{c}, p. 3, nos. 13 and 14; *Fatḥ al-Qarīb,* p. 464-6.

1245 *faskh,* 'annulment of contract'. Like the contract of sale, the marriage contract can also be annulled, if one of the parties does not fulfil the requirements. For instance, if one party is suffering from a disease, the other party can demand that the marriage be annulled. If what is claimed is true, the judge will annul the marriage. Juynboll (1925), p. 213.

1257 *difaskhkan.* The MSS have *difasidkan,* to declare the marriage *fāsid,* invalid?

1262-3 The translation is tentative.

1264-5 *jikalau ada ^{c}aib laki-laki itu.* Perhaps we should read: *jikalau ada (diperoleh) ^{c}aib (oleh) laki-laki itu.*

1293 *wathanī.* AB has *wati itu,* E has *wathir* which are all wrong. It should be *wathanī,* idolatress. See Keijzer (1853), p. 258; *Minhaj et Talibin,* p. 294.

1293 Islamic law forbids a man to marry a fireworshipper or an idolatress. *Minhaj et Talibin,* p. 294.

1302 i.e. he is in danger of committing the crime of *zinah*, if he does not marry.

1322 *Wa'llāhu aᶜlam bi'ṣ-ṣawāb*, 'And God knoweth best the truth'. This clause very often denotes the end of a chapter or a book.

1324-5 *Gantang* is the Malay cylindrical gallon-measure which weighs about five *kati* (of rice); *cupak* is a measure of weight usually a quarter of a *gantang*; *kati*, a measure of weight of about 16 *tahil*; *tahil*, a measure of weight.

1328 *datang perkataan atasnya*. Dr. Roolvink suggests an alternative translation: if they (i.e. the captains of ships) become involved in a lawsuit.

1334-5 cf. *The Holy Qur'an*, II: 275.

1376-9 The Malay text has combined two separate regulations into one. Abu Shujāᶜ mentions: "It is not valid to sell gold for gold and silver for silver unless the weight is the same and the transaction takes effect immediately" (*Wa lā yajūzu baiᶜ adh-dhahabi bi'dh-dhahab, wa lā 'l-fiḍḍa kadhālika illā mathalan naḳdan*); but "It is permissible to sell gold for silver for a different weight and on immediate delivery" (*wa yajūzu baiᶜ adh-dhahab bi'dh-dhahab mutafāḍalan naḳdan*). Abu Shujāᶜ, p. 12, nos. 4 and 6; *Fatḥ al-Qarīb*, pp. 314-6.

1380 *tunai*, 'to take place immediately or on immediate delivery'. It is apparently the Malay translation of *naḳdan*, cf. *Kamus Dewan*, s.v. *tunai*. According to *Minhaj et Talibin* (p. 125), the foodstuff exchanged (i.e. sold) must be equal in quantities and each party takes possession of what is due to him then and there.

1382 *bertemu*, 'fixed'. In other words, movable goods are excluded. *Minhaj et Talibin*, p. 141.

1406-14 This seems to refer to the returning of defective slaves whose value has increased on account of acquired skills taught to them. The buyer, when returning the defective slaves, cannot demand payment or reward for the skills he has taught them while the latter were in his possession. However, if a female slave gives birth to a child and later the female slave is found to be defective and returned to the former master, the buyer

can retain the child. The ruling is that what can be separated from the defective slaves need not be returned. See H. Sulaiman Rasjid (1961), p. 283; *Minhaj et Talibin*, p. 134.

1418 It is considered a defect if a female slave is already married or was married before.

1430 *tampang*, a tin coin used as a medium of exchange. In Munsyi Abdullah's time, sixteen Pahang *tampang* represented a dollar. *MED*, s.v. *tampang*.

1434 i.e. his words will be accepted (as truth) by the judge.

1449-50 *diambilnya, dihargakannya segala yang baki dengan empunya harta yang lain*. The translation is tentative. L. has *diambilnya dua, oleh rakannya segala yang baki dengan empunya harta yang lain*, he takes two thirds and leaves the rest to other creditors.

1453 *memberi dagangan*, 'to give commodities in consignment'. L has *memerdekakan*, 'to free (a slave)'. According to *Minhaj et Talibin* (p. 161), a sale, donation or enfranchisement made by a bankrupt should remain suspended.

1454-6 This prevention of the free disposal of property, according to Abu Shujā^{c}, applies also to a spendthrift, a sick man and a slave. Abu Shujā^{c}, p. 13, no. 1; *Fatḥ al-Qarīb*, p. 334; *Minhaj et Talibin*, p. 166-8.

1457 "And such settlement is good", *The Holy Qur'an*, IV: 128.

1462 <perak>. The reading of L has been adopted in lines 1460-1464. L, though it has the best reading, still errs here and I have emended *emas dengan emas* in line 1462 to read *emas dengan <perak>*.

1464 *meminjam*, 'borrowing'. What is meant is actually hiring (*ijarah*).

1483 *diperserahkan*. A very rare form.

1491 The Malay text is rather confused here. Case no. 6 should be case no. 3 and case no. 3 should be case no. 4, case no. 4 should be case no. 5. It is worth noticing that Abu Shujā^{c}'s *at-Taqrīb* (p. 14) mentions only two cases, i.e. cases nos. 1 and 4. *Minhaj*

et Talibin (pp. 169-70), on the other hand, mentions three cases, case 1 (on sale), case 3 (on gifts) and case 5 (on hiring). But *Mir'at aṭ-ṭullāb,* compiled by ᶜAbdu'r-Ra'ūf based on Syaikh Zakarīyā'al-Anṣārī's *Fatḥ al-Wahhāb,* mentions all the six cases. See Meursinge (1844), pp. 58-61.

1503 *pesuruh.* It is used here in the sense of 'request' or 'instruction'. So is *penyuruh* (1515). These are old forms which have now become obsolete. Other examples are *pengajar,* 'teaching' and not 'teacher'; *penolong,* 'assistance' and not 'assistant'. Gerth Van Wijk (1890), p. 164.

1507-8 *Tiada harus mengaku emas daripada perak.* The translation is tentative.

1509-10 Compare *Minhaj et Talibin* (p. 177): "One may guarantee payment by a certain time of a debt due immediately, as well as the immediate payment of a debt due on a certain date".

1512 an-Nawawī mentions that in the first period ash-Shāfiᶜī accepted the validity of a future obligation. The "future obligation" perhaps is the *farḍu esok* meant here. See Howard's translation of *Minhaj et Talibin,* p. 175.

1529-30 Islamic law differentiates between the loss or damage of a borrowed article by mere usage and otherwise. No restitution is given if a borrowed article or object is lost or destroyed by mere usage. *Minhaj et Talibin,* p. 159.

1538 *Dinar.* A *dinar* is an Arabic coin circulated widely in the Archipelago in former times. One gold *dinar* was equivalent to ten *dirham.* In North Malaya, a *dinar* usually contained about 3 grammes of gold. Baillie (1850), p. 19; Shaw & Mohd. Kassim (1971), p. 6.

1565 *Imam,* 'presiding elder', 'leader of the (Muslim) congregation'; *MED,* s.v. *imam.*

1583-4 *hak Allah, hak manusia.* He who has committed a crime against religion is regarded to have violated the rights of God (*ḥaḳḳ Allāh*) and will be given a *ḥadd* punishment. No amicable settlement is possible. But the sinner is often encouraged to hide his sin. A man who has infringed upon the rights of man (*ḥaḳḳ ādamī*) can only be punished at the demand of the

injured party. Amicable settlement is possible. See Schacht (1964), pp. 175-6; Juynboll (1925), pp. 296-8.

1593 According to Abu Shujāᶜ, a fourth condition is required in acknowledgement which involves property, i.e. *rashīd*, being sensible or reasonable. Abu Shujāᶜ, p. 15, no. 3; *Fatḥ al-Qarīb*, p. 364.

1597-8 It is clearly a translation of the Arabic: *wa huwa fī ḥāli'ṣ-ṣiḥḥati wa'l-maraḍ suwan*, i.e. and it is the same (an acknowledgement) made in health or in illness. Abu Shujāᶜ, p. 16, no. 6; *Fatḥ al-Qarīb*, p. 366.

1601 If he does so, he is accepted as a Muslim (once more). *Fatḥ al-Qarīb*, p. 598.

1607 *meninggalkan*. This is a literal translation of Arabic *taraka*, which also means 'to renounce' or 'to give up something', e.g. prayer.

1607-8 A man who does not believe in the obligatoriness of prayer will be executed like an apostate. Abu Shujāᶜ, p. 27, nos. 19 and 20; *Fatḥ al-Qarīb*, pp. 598-600.

1609 If a man still believes that prayer is obligatory but fails to perform it because of laziness, he will simply be asked to perform the prayer. Abu Shujāᶜ, p. 27, no. 20; *Fatḥ al-Qarīb*, p. 600.

1611 *baik pada jalan itu*. This is perhaps a Malay rendering of Arabic *khallā sabīlahu* (*Fatḥ al-Qarīb*, p. 600), meaning 'he left his way free or open to him'. See Lane (1863-93), s.v.

1613-14 According to *Fatḥ al-Qarīb*, his body should also be washed, wrapped in shroud and prayers said (at his funeral ceremony). *Fatḥ al-Qarīb*, p. 600.

1622 *berhimpun pada*. This is a translation of Arabic *ijtamaᶜa fī*.

1622 *perkara*. Here it means 'qualities' rather than 'matter'. It is a translation of Arabic *khaṣla* (pl. *khiṣāl*), 'quality'.

1623 *ᶜadal*, Ar. *ᶜadl*, 'of good character'. The qualities of *ᶜadal* mentioned in the Malay text are the same as those mentioned in *at-Taqrīb* except that for the third quality, *salīm as-sarīra*

(pure of heart, a man with a pure conscience), the Malay text gives *baik kelakuannya.* Abu Shujāᶜ, p. 22, no. 22; *Fatḥ al-Qarīb,* pp. 700-2.

1624 The Malay text is corrupt. What is mentioned as the fifth quality is actually not a separate quality by itself but an explanation of the term *ᶜadal,* the fourth quality. The fifth quality, *ḥurrīya,* 'freedom, independence', is left unmentioned. Abu Shujāᶜ, p. 22, no. 21; *Fatḥ al-Qarīb,* p. 700.

1624 *dosa yang besar,* 'great sins', e.g. *zinah,* illicit intercourse, murder, etc. It is a translation of Arabic *kabīra,* pl. *kabā'ir.*

1625 *dosa yang kecil,* 'small sins', e.g. playing forbidden games and listening to forbidden music. It is a translation of Arabic *ṣaghīra,* pl. *ṣaghā'ir.*

1631 *ḥadd* (pl. *ḥudūd*), Arabic, meaning 'hindrance, impediment, limit, boundary, frontier'. In law, it means the punishment which has been fixed for the following crimes:

1. Death penalty by stoning for *zinah.*
2. Death penalty by crucifixion or with the sword for highway robbery with homicide.
3. Cutting of hand and/or foot for highway robbery without homicide and theft.
4. Flogging with a varying number of lashes for less serious offences, like accusation of *zinah,* or drinking wine. See E.I.², s.v. *ḥadd.*

1633 *kisas* (Ar. *ḳiṣāṣ*), 'retaliation (settlement)'. It is applied to cases of killing and of wounding which are not fatal. It takes place at the demand of the victim's next of kin. E.I.¹, s.v. *ḳiṣāṣ.*

1640-2 *Bermula tiada ... dua perempuan.* This passage seems to be a dittography in anticipation of lines 1649-51.

1658-9 *Al-bayyina ᶜalā 'l-muddaᶜī wa 'l-yamīn ᶜalā man ankar.* See further E.I.², s.v. *bayyina.*

1675 The judge will pronounce his judgement (give the plaintiff the contested object): *wa ḥakama lahu bihā. Fatḥ al-Qarīb,* p. 699.

1724-6 Giving testimony by mentioning the name of God only is not acceptable.

1739-40 This seems to be a translation of *wa yustaḥabbu an yajlisa fī wasṭi 'l-balad fī mauḍiᶜi bārizi 'l-nās.* (It is recommendable (for a judge) to sit in a hall easily accessible to the public in the centre of the country). Abu Shujāᶜ, p. 21, no. 2; *Fatḥ al-Qarīb,* p. 679.

1741 *disamakan duduknya.* Here it means more 'to treat the contesting parties equally' rather than just seating them together. Abu Shujāᶜ, p. 21, no. 3; *Fatḥ al-Qarīb,* p. 678.

1742 *bagi hakim diam. bagi* means 'to cause' or 'to order' (silence) here.

1751 i.e. to reject the claim of the plaintiff.

1752-3 *Jangan dipijak oleh orang yang beracara itu.* The translation is tentative. The Arabic equivalent of this sentence is not found in any of the Arabic law texts which I have consulted. It may be originally a remark of the copyist on the margin of the text which was later incorporated in the main text.

1753-6 According to Abu Shujāᶜ, there are ten situations in which a judge must not pronounce his verdict. The Malay text mentions only four and leaves six unmentioned, namely thirsty, sick, lascivious, sad, happy and in need of relieving nature. To be satiated with food is not one of the situations mentioned. Abu Shujāᶜ, p. 21, no. 5; *Fatḥ al-Qarīb,* pp. 678-80.

1761 *orang yang membawa hadiah kepadanya.* This may be a literal translation of Arabic *min ahli ᶜamalihi.* al-Bājūrī and Ibn al-Qāsim explain *min ahli ᶜamalihi* as people from a village or district the jurisdiction of which is in the hands of the judge who is forbidden to accept gifts from them. Abu Shujāᶜ, p. 21, no. 4; *Fatḥ al-Qarīb,* p. 678; Sachau (1897), p. 703.

1766 *pemberi.* It is an old form which means 'gift' and not 'giver'. This form gradually disappeared after the sixteenth century. Cf. line 1503.

1771 *ᶜakil baligh.* This should be read as *ᶜakil dan baligh,* the Arabic text (*Fatḥ al-Qarīb,* p. 546, lines 9 and 11), mentioning two

separate qualities (*ᶜāḳil*, 'sane' and *bāligh*, 'of age'), which is not implied in Malay *ᶜakil baligh*. According to Abu Shujāᶜ, *ḳiṣāṣ* (retaliation) can only be demanded, if the culprit is of age, sane, not the father of the victim and not inferior in social position to the victim. Abu Shujāᶜ, p. 24, no. 5; *Fatḥ al-Qarīb*, p. 24, no. 5; *Fatḥ al-Qarīb*, pp. 546-8.

1775-7 An infidel is considered inferior in position to a Muslim, likewise is a slave inferior to a free man.

1779-82 The Malay text is rather clumsy and seems to have combined two rulings into one. According to al-Bājūrī, (a) a non-Muslim who kills a non-Muslim will be subjected to the *ḳiṣāṣ* punishment, regardless of whether he is a Christian or a Jew; (b) a *kāfir* (unbeliever) who kills another unbeliever is subjected to the *ḳiṣāṣ* punishment even though he (the killer) later becomes a Muslim. Sachau (1897), p. 776.

1793-5 *muḥṣan*. These lines actually mention only three qualities, the fourth being the same as the third. The fourth quality, namely 'having had sexual intercourse in a legally valid marriage', is implied elsewhere (in lines 1786-7). Abu Shujāᶜ mentions only one quality, namely 'free', which is not found in the Malay text. Instead, the Malay text gives 'Islam' (being a Muslim) as one of the four qualities. Abu Shujāᶜ, p. 26, no. 2; *Fatḥ al-Qarīb*, p. 574.

1806 *cul-k masuk ke percul-kan*. The actual reading (vocalization) is doubtful but its meaning can only be *in flagranti delicto*.

1821-3 *hadkan orang yang memaki itu hingga ditaᶜzīrkan oleh hakim*. The translation is tentative. See note below.

1827-8 According to Abu Shujāᶜ, a judge can add another 40 strokes as a *taᶜzīr* punishment. Cf. lines 1821-3. Abu Shujāᶜ, p. 26, no. 9; *Fatḥ al-Qarīb*, p. 580.

1845 *Tammat al-kalam*. This is an indication that the text ends here and what follows is a new text. It is no wonder that A begins the new section with *Bismi'llāhi 'r-raḥmāni'r-raḥīm*. This opening phrase is lacking in CD: the original copyist of CD, in order to make the text look like an entirety, has left this phrase out.

1847-8 *Aṭīᶜū Allāha wa aṭīᶜū ar-rasūla wa ūli 'l-amri minkum*, 'Obey Allah and obey the messenger and those who have the command over you'. The Malay translation is lacking. *The Qur'an*, IV: 62; *The Holy Qur'an*, IV: 59.

1859-60 *Kulluhum rāᶜin wa kulluhum mas'ūlun ᶜan raᶜīyatihi*. The Malay text has translated as if the Arabic had *kullukum* (twice) and *raᶜīyatika*. This sentence, though lacking in the versions of *Sejarah Melayu* edited by A. Teeuw & T. D. Situmorang and W. F. Shellabear, is found in Raffles no. 18. Winstedt (1938), p. 150; Brown (1970), p. 117.

1873 *Al-ᶜabdu ṭīnu'l-maulā*, 'The subject is the land of the Lord'. Raffles 18 (JMBRAS Vol. 16, Pt 3, p. 150) has the same saying. *Murabbi* in Raffles 18 is very likely a misreading of *maula* which originally must have been in the text. The Malay translation there with 'upama' is sheer nonsense.

1875-6 *Ar-raᶜīyatu chūn bīkh sulṭān <chū> dirakht*, 'The subjects are like roots and the rulers are like trees'. This Persian proverb, though lacking in both editions of *Sejarah Melayu* prepared by Teeuw & Situmorang and Shellabear respectively, is found in Raf. 18. (For *jurthumatun* there read: *chun*). Brown (1970), p. 117.

1903 *orang tuha*. Compare the Achehnese *ureueng tuha* (elders) who, according to Snouck Hurgronje, "are the men of experience, worldly wisdom, good manners and knowledge of adat in the gampōng". Snouck Hurgronje (1906), I, p. 75.

1935 *tunggu, menunggu*, 'to demand payment', 'to dun', etc. *Tunggu* used in this sense is very old indeed. It is worth noticing that in Toba-Batak, *tunggu, mortunggu*, still has this meaning. Van der Tuuk (1861), s.v. *tunggu*.

1975 The meaning is not very clear. It seems to say that if the offender is not killed, he has to pay 5¼ *tahil* and a fine. However, it is also possible that the 5¼ *tahil* paid as the fine is the punishment imposed by ᶜ*adat* law.

1977 *salah kepada <yaum al-mithāḳ>*. It is not clear what *yaum al-mithāḳ* refers to. Dr. Roolvink thinks that this might refer to the covenant made between Demang Lebar Daun and Sang

Sapurba. If so, the phrase may mean to violate the agreement made at the Day of the Covenant (*yaum al-mithāḳ*).

1985-6 *atas batang leher kamu tergantung pekerjaan ini,* 'on your neck is hung this work'. This perhaps refers to a passage in the Qur'an, XVII: 13: *wa kulla insānin alzamnāhu ṭa'ā'irahu fī ᶜunuqihi,* 'and every human being we have fastened his *omina* on his neck'. (*Omina* is here explained by al-Ghazālī as 'his deeds'). I am obliged to Dr. Roolvink for enlightening me on this.

1991 *Sultan Mahmud Syah* (1488-1511).

2002 *lagi ia demikian dibuatnya.* This passage is puzzling and the translation tentative.

2004 *rial.* This is the old Spanish real, i.e. dollar or piece of eight. *MED,* s.v. *rial.*

2005 *s-k-t.* Raf. 33 has *sekabat.* Kempe and Winstedt (1952), p. 1, surmise that it is the Dayak *kabat,* meaning "a score, twenty". But it might also be *sikka,* an Arabic coin. However, the whole passage is not very clear in its meaning.

2022 *tiga hari disyaksikannya,* 'to be shown for three days'. A transposition seems to have occurred here. These words should in my opinion follow after: ... *jambatan.* I have translated accordingly.

2048-51 The so-called *Undang-undang Negeri* comes to an end here. What follows is additional material coming originally from another text.

2050 *sepuluh enam.* Most of the languages in Sumatra use this form instead of *enam belas* for the concept *sixteen.* Slametmuljana (1964), pp. 37-8. 16 Saᶜban hari Arbaᶜa 10 o'clock 1216 H = Tuesday evening, 22nd December 1801 AD.

2052 *Adapun yang menjunjung titah ini yang sida-sida Ahmad namanya.* This sentence has led some writers [1] to surmise that Eunuch Ahmad (or Hang Sidi Ahmad according to other versions of the text) was the compiler of the *Undang-undang Melaka.* By interpreting *yang menjunjung titah* as *he who carried out the royal order,* Dr. Roolvink suggests that the

whole passage may mean that a certain eunuch by the name of Ahmad had carried out an important task for the ruler, i.e. to punish the Portuguese prisoners. This was a famous incident then and one of the owners of the text noted this down on a fly-leaf of his text. Later, it was copied as part of the text. Another possibility is that this passage about the punishment of the Portuguese prisoners is a fragment of another legal text compiled in Johore, very probably a text similar to Cod. Or. 1722. Even though Cod. Or. 1722 (2) does not actually narrate this incident, it does mention the name of Sultan Mahmud Syah al-Ghazi as the ruler of Johore who established this law. It goes on to mention the signing of a border agreement between the Portuguese and the ruler of Johore. R. O. Winstedt seems to favour the second possibility.[2]

[1] Abu Hassan Sham (1973), p. 33.
[2] Winstedt (1953), p. 32.

2070-5 This is a chapter on fines in Malay society. However, the terms used, e.g. *lantan* and *pemakan,* are far from clear, and I am unable to explain them.

SELECTED VOCABULARY

* indicates that the word is also annotated

acara, (1) 1883, trial; *beracara,* quarrelsome; *orang yang beracara,* 1751, a person who is engaged in law-suit.
(2) = *acaram.*

acaram, acara, 718, 733, 734, earnest money.

*ᶜadal** (*ᶜadl*), 1223, 1623, of good character.

ᶜadat, 33, 46, 49, customs, rules, regulations; 131, fines; *ᶜadat harganya,* 359, customary price; *ᶜadat laki-laki,* 264, behaviour proper to the male; *ᶜadat majelis**, 53, custom and regulations; *ᶜadat perintah,* 39, custom and rules; *mengᶜadatkan kanun,* 550, to lay down the *kanun* law.

ᶜadil (*ᶜādil*), 127, 240, 249, 605, just; justice.

ahlu'l-kitāb, 1295, possessors of the Sacred Scriptures.

ᶜaib, 740, 1234, 1401 *et al.,* defect, disease, blemish.

ᶜain; *ᶜain benda,* 1445, the very goods that are his own property.

ᶜakal (*ᶜaḳl*); *berᶜakal,* 1794, in full possession of one's mental faculty.

ᶜakil (*ᶜāḳil*), 1224, 1336, 1623, sane or in full possession of one's mental faculty; *ᶜakil baligh**, 1162, (to come) of age; 1771, sane and of age.

aḳrab, see *wali.*

aku; *akunya,* 1516, the suretyship; *mengaku(i),* 1496, 1499, 1645, to stand surety for; 1510, 1512, to accept (a surety); 1936, to acknowledge; *yang mengaku(i),* 1497, 1502, 1505, 1516, the surety; *yang diakui(nya),* 1503, 1515, 1516, a person whom one stands surety for, i.e. a debtor; 1513, to be acknowledged.

amanat (*amāna*), 1551, 1553, 1555 *et al.,* trusteeship; *beramanat,* 1567, to place a trust; *bertaruh amanat,* 1551, to deposit a trust; *yang menaruh amanat,* 1577, the trustee.

angkara, 106, gross offence against propriety or morals punishable with immediate death; *dengan angkaranya,* 945, (to act) without any regard for (another person).

ᶜarif (*ᶜārif*), 169, knowing.

aṣīl, 1154, (to be) firmly established.

aẓhar, very clear; *ḳaul aẓhar,* 1164, a term used by an-Nawawī to denote a widely accepted doctrine which he rejected.

baitu'l-māl, 1762, public treasury.

baligh (*bāligh*), 1174, 1178, 1337, 1623, 1794, to come of age; 1180, 1184, majority; *orang yang sudah baligh,* 1691, an adult.

baraṣ, 1253, 1254, leprosy.

bayar; *pembayar,* 1504, the repayment.

bayyinat (*bayyina*), 1658, the burden of proof.

bicara; *bicara kepada,* 1661, to refer to; *surat bicara,* 1696, legal documents.

bikir (*bikr*), 1160, a virgin; 1652, virginity.

binasa, 1516, (to be) annulled.

busuk, 2072, a gold measure or weight (of the value of 16 dollars).

cela, 1424, a defect.
cemar; *benda yang bercemar*, 1348, impure things.
cukai; *cukai kharajat*, 1096, customs duties.

daᶜif (*daᶜīf*), 549, weak; 797, deficient.
daᶜwa (*daᶜwā*); *mendaᶜwa*, 1485, to lay claim to, to put in a claim for.
dayus (*dayyūth*), 736, a cuckold, pimp. Wilkinson defines *dayus* as a man who accepts money for divorcing his wife. MED, s.v.

fardu (*farḍ*), 1618, obligatory; *fardu esok*, 1512, future obligation; *fardu sembahyang*, 1608, obligatoriness of prayer.
fasik (*fāsiḳ*), 1211, 1216, 1229, a sinner (opp. *ᶜadal*).
*faskh**, 1245, 1248, 1265, annulment of marriage contract; *difaskhkan*, 1257, 1262, to be annulled or cancelled.
fitnah, 592, public disturbance.
fuḍūlī, 597, 648, 656, an unauthorized agent; 613 *et al.*, to interfere; *fuḍūlikan*, 624, to interfere.

gadai, 829, 844, mortgage; *yang memegang gadaian*, 834, a mortgagee.
gagah, *menggagahi*, 392, 394, to use force against (a person); 1168, to coerce one's will upon others; 878, 889, 893, to violate others' rights; 538, 1593, to compel, to enforce; 1074, to refuse (to obey a ruling).
ganda, 830, 831, 836, 837, 839, (to be) doubled.
ganti, *mengganti*, 220, 221, 1844, 1898 *et al.*, to compensate.
ghaib (*ghā'ib*), 1682, (to be) absent.
gila, 1418, 1795, insane; *ᶜaib gila*, 1235, lunacy; *orang (yang) gila*, 1337, 1454, 1681, an insane person.

had (*ḥadd*)*, 1631, 1717, a fixed punishment for certain crimes; *hadkan*, 1736, 1802, 1821, 1830, 1832, 1833, to impose a *ḥadd* punishment.
ḥadīth, 1207, the Holy Tradition narrating the deeds and utterances of the Prophet and his Companions.
hakk (*ḥaḳḳ*)*; *hak manusia* (*ḥaḳḳ ādamī*), 1584, 1724, private claim, as opposed to *hak Allah* (*ḥaḳḳ Allāh*); *hak Allah*, 1538, right or claim of Allah.
hakim (*ḥākim*), 1733, 1746 *et al.*, a judge.
halal (*ḥalāl*), 1617, lawful, not forbidden.
haram (*ḥarām*), 1212, 1334, 1617, 1760, forbidden (by religion).
*harus**, 1164, 1170, 1178 *et al.*, permissible, possible. It is the Malay translation of Ar. *sunna, mustaḥabb, mandūb*.
hasil (*ḥāṣil*), 490, proceeds, income, returns; *hasillah*, 1200, to be fulfilled, i.e. to take place.
hilang, 1841, to be lost.
hukum, law, ruling, rule, punishment; *hukum kanun*, 8, 123, 191 *et al.*, customary law; *hukum syaksi*, 1616, rules governing the testimony of witnesses; *tiada dengan hukum lagi*, 144, there shall be no (further) litigation; *menghukum*, 898, to administer; *menghukumkan*, 1022, 1032, 1332, 1753 *et al.*, to adjudicate, pronounce a judgement, give a verdict; 1803, 1812, to punish, impose a punishment.

ᶜiddah, 1287 *et al.*, the waiting period of a woman after termination of marriage; *diᶜiddahkan*, 1282, (she is) to observe the usual waiting period.
iḥtilām, 1182, ejaculation at night.
ijab (*ijāb*), 1203, offer (as an agreement of contract); *ijab kabul*, 1203, 1209, offer and acceptance.
ijārah, 1490, hire or lease.

ikrar (*iḳrār*), 1582 *et al.*, acknowledgement; 1457, 1466, 1472, 1479, to acknowledge; 1804, 1831, confession.
imam (*imām*), 1505, a religious leader.
isticadat; *isticadat janji*, 1394, customary agreement.
istima (*istimā'*), 1089, judgement, discretion.
ictikad (*ictiḳād*), 1608, firm belief, doctrine.
ciyan (*ciyān*), the action of seeing with one's own eyes, evidence; *kekal ciyannya*, 583, the evidence is firmly established.
izin, 1376, permission (to trade).

jogar, 1929, a variant of *cokar*, a game played with counter. See Klinkert (1947), s.v.
judhām, 1235, 1239, 1254, elephantiasis.

kabul (*ḳabūl*), 1203, acceptance.
kadar, 1435, quantity, amount.
kadi (*ḳāḍī*), 1565, 1661, judge.
kafir (*kāfir*), 1776, 1780, 1821, an infidel.
kanak; *kanak-kanak*, 1338, 1360, 1454, 1681, a (young) child, i.e. a minor.
karan (*ḳarn*); *caib karan*, 1236, abnormal growth of bone in the womb.
karar (*ḳarār*), 2095, 2109, to be firmly established.
kata; *kata-kata*, 597, judicial decision; *berkata*, 448, to start legal proceedings; 1726, to swear an affidavit; 1743, to present one's case; *berkata-kata*, 619, 822, to present one's case; 870, to proceed against (someone); *dikatai*, 1730, *dikatakan*, 1737, to be reprimanded; *perkataan*, 111, 157, 214, 248, 815, 914, 1100, 1329, legal action, claim, law-suit, further dispute; *tiada lagi perkataannya*, 218, 328, (his death) is deemed an accident or accidental; 894-5, 913-4, 1110, there will be no further legal proceedings or dispute; *putus perkataannya*, 817, the decision is final; *di dalam perkataan orang*, 877, to be open to public criticism; *berjual kata*, 443, to forge instrument or legal document.
ḳaul, 1214, a (legal) doctrine; *ḳaul yang sah**, 1176, a lawful legal doctrine; 1294, 1314, 1321, an accepted legal doctrine; *ḳaul aẓhar*, 1164, 1229, a clear doctrine.
kebiri; *caib kebiri*, 1238, impotence.
kedal, 1236, 1419, skin discolouration, a form of chloasma. See further MED, s.v.
kekol, 1765, 1768, bribery.
kharajat (*kharāj*); *cukai kharajat*, 1096, customs, duties.
*khiyar** (*khiyār*), 1233 *et al.*, right of rescission.
*kias** (*ḳiyās*), 192, 647, 679, 691, 740, 745, reasoning by analogy; *mengkiaskan harganya*, 1677, to establish its value on the basis of analogy.
*kisas** (*ḳiṣāṣ*), retaliation; *tiada harus dikisas*, 788, it is not permissible to take retaliatory measures.

lawan; *berlawan*, 456, to plead not guilty; 463, to prove one's case; *perlawankan*, to bring face to face.
lemah, 622, deficient, cf. *ḍacīf*.
lepas, 1723, free; *melepaskan*, 1463, 1646, to remit debts.
liwāṭ, 1766, sodomy.

madu, 129, 140, 614, a paramour; *bermadu*, 741, to have a paramour; to act as pimp (for one's own wife).
majelis, 111, regulations, cf. *cadat majelis*.
majusi (*majūsī*), 1292, 1780, a fire-worshipper.
masghul (*mashghūl*), 12, busy, to concern oneself with.
mendelika, 2067, 2074, 2079, governor.
milik; *milik dirinya*, 1295, (one's) own property.

muddaᶜā ᶜalaihi (*al-muddaᶜā ᶜalaihi*), 1483, 1487, 1490, defendant.
muddaᶜī (*al-muddaᶜī*), 1482, 1489, plaintiff, claimant.
muflis, 2017, bankrupt.
*muḥṣan**, 401, 1785, 1789, 1793 *et al.*, a married man; *ghair muḥṣan*, 402, 1791, non-*muḥṣan*.
mujbir, see *wali*.
munkir, 1458, 1660, 1746, 1816, to deny; 1610, to turn apostate; *kata munkir*, 1579, a denial.
murtad (*murtadd*), 1600, 1601, apostate; 1633, apostasy.

nakal, 928, mischievous (of animals); *dipernakal*, 1950, 1956, to be molested or ravished.
nikah, 1201, 1635, 1709, 1787, marriage.
nyata, evident, clear; *kenyataan*, 1596, clarification; 1694, evidence.

pekung, 743, a strong smelling ulcer. See MED, s.v.
perintah, 40, rules and regulations.
puadai, 105, a white cloth, over which a funeral procession passes. See MED, s.v.

raja; *maharaja lela*, 770, to show gross disrespect to the ruling sovereign, i.e. acting against the law (personified in the ruler).
ratak (*ratak*); *ᶜaib ratak*, 1236, abnormal fleshy growth in the vagina.
reḍa (*riḍā*), 1161, 1163, 1166, consent; 1255, 1256, willing; 1318, willingness.
rejam (*rajm*), a kind of punishment in which the guilty person is buried to the waist and then stoned to death; *direjam*, 401, 1790, to be given a *rejam* punishment, i.e. to be stoned to death.
riba (*ribā'*), 1335, usury.

*safratu'l-ḳaṣr**, 1196, the minimum distance.
sah (*ṣaḥiḥ*), 1171, 1221, 1240 *et al.*, (to be) legally valid; 1174, legal.
salah, 183, 1978, 1983, guilty; 551, wrong, criminal; 253, 1977, wrongdoing, offence; *bersalahan*, 254, 406, 609, 647, 962, 1366, (to be) different, divergent; 1433, 1434, to disagree, to have another opinion; 1882, to go wrong, to commit an offence; *bersalahan janjinya*, 571-2, he acts contrary to the agreement.
salih (*ṣāliḥ*), 1224, pious, godfearing.
samun; *penyamun*, 1919, a robber who uses violence.
sandar, 1644, to give security.
silih, *menyilih*, 1524, 1526, 1527, 1529, 1534, 1542, 1566, 1904, 1953, to compensate, to pay compensation, to replace or restore (something).
sopak, 743, 1235, 1419, a kind of skin disease with silk-white patches on the skin of the feet and the hands. See MED, s.v.
suci, 1348, pure, clean.
ṣulḥ, 1457, 1458, 1460, 1468, 1485, 1494, 1645, amicable settlement, composition or compromise; *diṣulḥkan*, 1467, 1473, 1475, 1480, 1493, to be compounded, to be settled (amicably).
sumpah, 1660, oath; 1676, to swear; *bersumpah*, 1572, 1573, 1576 *et al.*, to take an oath.
sunnat (*sunna*), 1163, 1617 *et al.*, commendable, recommended.
syaksi, 457, 1552, 1620 *et al.*, witness; 1621, 1724, testimony; 1660, the burden of proof; *syaksi fuḍūlī*, 1728, unauthorized agent; *disyaksikan*, 1905, 2022, to be brought to public attention, to be shown publicly.

taḳṣīr, 500, to fail (to do something); 625, 626, fault, offence; 1526, 1530, 1543, negligence; 503, 531, 666, 688, 906 *et al.*, negligent; *taḳṣīr fuḍūlī**, 597, the fault of an unauthorized agent.

talak (*ṭalāḳ*), 1271, 1635, 1709, divorce, repudiation; *talak bā'in,* 1272, 1273, definite repudiation; *talak rajᶜī,* 1272, 1275, revocable repudiation.
*talkin** (*talḳīn*), 652, exhortation to the dead.
tanah; *tanah hidup,* 866, "living land"; *tanah mati,* 866, "dead land".
tarik; *ditarik,* 499, to be seized.
taubat, 1601, 1602, 1611, to repent; *bertaubat,* 483, idem.
tawar, menawar, 371, 372, 379, 382, 386, 707 *et al.,* to seduce, to commit an act of seduction.
*taᶜzīr**, 316, 798, a discretionary punishment imposed by the judge; *ditaᶜzīrkan,* 1730, 1736, 1801, 1822, to give a discretionary punishment.
temu; *bertemu,* 1382, fixed.
tentu, 1356, certain; *bertentu,* 1346, (to be) fixed (of prices); *bertentukan,* 1495, to agree on (the terms of settlement); *tertentu,* 94, to be confined to.
thābit, 1513, 1628, 1640, 1642, 1649, to be established; 1810, 1812, to be proven.
*thayyib**, 1173, a deflowered but unmarried girl; 1652, widowhood.
tilik, 1467, discretion (of the judge).
timbul, 419 (to be) redeemed; 509, 526, 1841, to remain (to be paid).
tinggal; *meninggal,* 416, to disappear.
titah; *berjual titah,* 121, to counterfeit royal seal; *berbuat surat titah,* 101, to forge (a ruler's) letter of command.
tolak; *ditolakkan,* 64, to be ostracized.
tunggu; *menunggu pada tempat,* 847, to occupy, own, be resident in a place; *tiada bertunggu,* 852, unoccupied; *ditunggu**, 1935, 1938, to be dunned.
tuntut; *menuntut,* 1465, 1471, 1479 *et al.,* to claim, to lay claim to; *menuntut pada,* 1680, to make a claim against; 1697, to lay claim to; (*orang*) *yang menuntut,* 1660 *et al.,* the claimant; 1740 *et al.,* the plaintiff; *orang yang dituntut,* 1677, the defendant; *benda yang dituntut,* 1662, the claimed article; *peri (yang) menuntut dan yang dituntut,* 1657, concerning the plaintiff and the defendant, i.e. the procedure; *tuntutan,* 1480, 1673, 1724, claim; 1679, the right to an article; 1736, a demand.

ᶜudhur (*ᶜudhr*), 1404, a (reasonable) excuse.
ulur, 199, 226, 435, 920, 922, a debt-slave; *masuk ulur,* 322, to become a debt-slave.
upah; *tahu mengambil upah,* 166, to know how to solve a dispute arising out of the taking of employment.

wajah (*wajh*), 1214, point of view.
wakil (*wakīl*), 1144, 1565, 1636, agent, consignee; 1108, 1114, 1125, 1156, consignment; *berwakil,* 1104, 1105, 1107, 1124, 1130, to consign, to give on consignment.
wali (*walī*), 1160, legal guardian; *wali aḳrab,* 1189, 1191, legal guardian who is a very close relative; *wali mujbir,* 1168, 1188, 1191, legal guardian with the power of coercion.
waris, warith (*warīth*), 284, 1575, 1576, heir.
wasiat, 1637, legacy.
*wathanī**, 1293, idolatress.
waṭi'; *diwaṭi'nya,* 391, 396, 536, 541, he rapes, he has intercourse with.

yamīn; *al-yamīn,* 1659, the oath.

zina, zinah (*zinā, zinā'*), 600, 1785 *et al.,* unlawful intercourse; *menuduh orang zinah,* 406-7, a translation of Ar. *ḳadhf,* meaning (false) accusation of unlawful intercourse.

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UNDANG-UNDANG MELAKA

by

LIAW YOCK FANG

APPARATUS CRITICUS

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Introduction

1-1 AB lacking — 2 E reading of; CD sayyidi al-nabi — 3-3 A hādhā fī bayān al-risālat y-ḥk-m al-ḳānūn fī al-bās-d Hi(n)dustān fī mulū(k) al-kabīr wa'l-wārābī. Wa baᶜdahu; B hādhā fī bayān al-risālat bi ḥukm al-ḳānūn fī al-bās hādhā al-yān maulā al-kabīr wa 'l-wūrī. Wa baᶜdahu; E Ammā baᶜdu, hādhā fī bayān al-risālah bi ḥukm al-ḳānūn fī bilād al-mālik al-kabīr wa wazīr; CD lacking — 4 CD add: artinya kitab — 5 CD mengatakan — 6 CDE lacking — 7-7 AB pada ᶜadat yang taᶜluk; CD wazir dan ᶜadat — 8-8 ACD bendahara — 9-9 AB lacking — 10 A bernama; B berjawatan — 11 CDE lacking — 12 CD tafaus menafaus — 13 A adds: api — 14 CD oleh kamu sekalian — 15-15 AB lacking — 16-16 AB lacking — 17 E teramanlah — 18-18 A sembilan hukum; B sembilan fasal

Fasal 1

1 AB manjelis — 2-2 CD lacking — 3 AB dipakai oleh (B adds: segala) raᶜyat itu — 4 AB kurnia dengan — 5-5 A negeri; B di negeri — 6-6 CD lacking — 7-7 AB bertatah atau sepenggalnya emas — 8-8 conjectural addition — 9 AB lakunya dan fiᶜilnya (B akalnya) — 10 AB lacking — 11-11 AE mau tiada; B lacking — 12-12 AB lacking — 13 AB mau ada

Fasal 2

1 A beroleh; B boleh, *passim* — 2-2 AB raja yang kerajaan juga — 3-3 AB kita mengatakan dia — 4-4 AB lacking — 5 AB atau — 6 CDE ini — 7 AB jadi sempurna kemuliaan

Fasal 3

1 BE mengamburkan — 2 CDE derma — 3 AB bagi — 4 CD add: kamu

Fasal 4

1-1 AB lacking — 2-2 CDE lacking

Fasal 5

1 AB lacking — 2-2 AB hukumnya didenda sepuluh tahil sepaha, karena salahnya itu tiada memberi tahu pada (A. om) raja (A. raja-raja) atau pada (A. om) hakim. Adapun jikalau tiada tertangkap ia, maka melawan ia dengan salahnya, jikalau ada ia tertangkap serta ia dipertéguhkan (A. dipertegahkannya) maka dosanya itu patut dibunuhnya. Itulah akan dendanya sepuluh tahil sepaha, karena taksirnya (A. taksir)

sebab (A. om) tiada setahu menteri (A. peteri) itu — 3 CD lacking — 4-4 AB lacking — 5-5 CD didendanya — 6 AB add: ia — 7 AB d-i-k-a-t-nya — 8 ABE lacking — 9 AB dengan tiada (A. om) kena — 10 AB adapun — 11 AB add: ta^{c}ala (*passim*) — 12 AB add: ya^{c}ni karena menyuruhkan berbuat baik dan menegah (B menegahkan) berbuat jahat — 13-13 AB maka ia mengambil isteri orang, tiada dapat dibunuh.

Fasal 6

1-1 AB dibunuh hukumnya — 2 AB tetapi — 3-3 AB lacking — 4-4 AB lacking — 5-5 AB kenalah denda sepuluh tahil sepaha, jikalau pada negeri. Dan — 6-6 AB anak negeri atau (A adds: pada anak) sungai yang ta^{c}luk ke negeri (A ta^{c}lukkan negeri) itu, maka didenda akan dia lima tahil sepaha. Inilah hukum kanun — 7 DE bahwasanya — 8 AB upeti — 9-9 AB itulah syarat menteri — 10 AB add: tiada — 11 AB add: itulah hukum kanun — 12 AB suatu — 13-13 AB lacking — 14 AB mengampuni (A m-ng-h-m-m-k-n) dia (A. om) — 15 CD lacking — 16 AB lacking — 17 CD dapat — 18 AB add: hamba orang itu — 19 AE menunggui — 20 ABE lacking — 21 ABE tuannya dan tiada setahu menteri didalam negeri itu —22 AB lacking — 23-23 AB telah kami simpankan

Fasal 7

1-1 CD merdehika membunuh ^{c}abdi orang — 2-2 AB lepas — 3-3 AB Adapun hukum — 4-4 AB lacking — 5 ABE lacking — 6 CD lacking — 7 CD dipontong — 8-8 AB lagi salahnya — 9-9 AB niscaya beroleh harta itu — 10 AB salahnya — 11 AB lacking — 12-12 AB lacking — 13-13 AB yang dibunuh itu dengan tiada dosanya itu — 14 A lacking; B d-t-h-k-n — 15 CDE hukum kanun

Fasal 8

1 CD add: ada — 2 BCD dipontong — 3-3 CD jikalau ada dengan zadah mulutnya ^{c}abdi — 4-4 AB lacking — 5-5 AB hamba orang itu (B. om) ditampar oleh merdehika — 6 AB juga — 7 CD pada — 8-8 E reading of; A samanya merdehika, maka ditamparnya dengan tiada salahnya; B ditamparnya dengan tiada salahnya; CD itu ditampar — 9 AB add: oleh yang kena tampar itu — 10-10 CD maka ada seseorang menengarnya — 11 AB add: itu di dalamnya lagi — 12-12 AB lacking — 13-13 CDE lacking — 14 ABCD kakinya; E biar tanggal giginya — 15-15 AB lacking — 16-16 CDE lacking — 17 CDE lacking — 18 AB wajib — 19 CDE add: sekalian (E adds: itu) pun — 20 CD kena tampar — 21-21 AB lacking — 22 AB lacking — 23 AB add: subhanahu wa — 24-24 AB adanya. Adapun yang didendahkan sekati lima itu hukum kanun namanya itu, adanya.

Fasal 9

1 ABE martabat — 2-2 AB lacking — 3 AB add: yang — 4 CDE add: sampai — 5-5 AB mati, maka dihukumkan dengan sepenuh-penuh (B

harganya — 35-35 E reading of; ABCD segala yang dipinjam itu mau ditentukan mau tiada — 36 AB lacking — 37 AB add: ia — 38-38 AB diganti harganya itu sepenuhnya

Fasal 16

1-1 memalu atau menikam atau menetak — 2-2 AB jikalau (B adds: disamanya) ditikamnya — 3-3 CD atas berbentuhan — 4 CD add: kata — 5 AB lacking — 6 ABE add: ia — 7-7 AB lacking — 8-8 AB dibunuh oleh hakim — 9-9 AB adapun maka diperbunuhkan dan — 10-10 CD lagi — 11 CD ia; A lacking — 12 CD kaya; E melukai — 13 AB perkara — 14 A tuah; B tengah — 15 CD add: daripada da^{c}ifnya — 16 CD lacking — 17 ABD lacking — 18 AB lacking; E hal — 19-19 CD lacking — 20 A lacking; B adapun; D gugurnya; C kurangnya — 21-21 AB lacking — 22-22 AB lacking — 23 AB halnya; E lacking — 24-24 AB lacking — 25 CD lacking — 26 E lacking (rightly) — 27 AB lacking — 28 AB menampar — 29 CD lacking — 30 CD orang yang menalkinkan — 31-31 CD lacking

Fasal 17

1 CD add: yaitu seperti orang mengambil upahan — 2-2 AB lacking — 3-3 .... conjectural addition — 4 CD add: itu juga; B adds: situ — 5 CD add: kena — 6 CD dapat — 7-7 ABE lacking — 8 AB add: inilah dihukumkan (A. hukumkan) oleh segala — 9 AB add: menampar — 10 AB add: di dalam negeri itu — 11-11 AB hukum tentu — 12 CD kerjakan — 13 AB jikalau — 14 CDE lacking — 15-15 AB jikalau ada ia hamba orang. Jikalau ia merdehika didenda oleh (A. om) hakim sepuluh tahil sepaha — 16 .... A passage seems to have been left out here — 17 MSS spell: z-w-a-d-h = judah; Klinkert s.v.; AB add: ia — 18 ABE lacking — 19 AB diajari; CD (a)cara

Fasal 18

1-1 AB lacking — 2 CD add: dengan — 3 CD lacking — 4 AB cekaramnya; CD ajar (= acaram) — 5 CD kenalah denda — 6-6 AB tiada demikian — 7 CD lacking — 8 AB add: yang menawar — 9 AB lacking — 10-10 AB lacking — 11 AB menolak akan oleh ibu bapanya — 12 AB cengkeram; CD ajara (= acaram) — 13-13 AB atas tiga perkara. Suatu tiada ganda, kedua dapat dikembalikan cengkeram itu; ada laki-laki itu ber^{c}aib, tiada tahu ibu bapanya — 14 CD dewasa (for *dayyūth*) — 15 AB add: ibu bapanya — 16 CD maka — 17-17 AB lacking — 18 AB p-g-ng; C p-ng-k-ng; D p-g-g-ng — 19-19 CD dan — 20 ABE lacking — 21-21 AB perkara juga syaratnya — 22 AB perempuan — 23 AB add: ia — 24-24 AB adapun ^{c}aib itu tiada laki-laki itu tahu akan ^{c}aibnya itu —25 AB add: ingat — 26 CD bagi — 27 AB lacking — 28-28 AB lacking — 29 AB add: cengkeramnya laki-laki itu — 30-30 AB tiada — 31 AB lacking — 32 CDE sama ^{c}abdi; A adds: ia — 33-33 A hukum ini; B hukumnya — 34 AB lacking — 35 AB lacking — 36-36 AB itulah hukum kanun — 37 AB adapun — 38 CD lacking — 39 AB

add: maka dilepaskan atasnya — 40-40 AB pada (B. jua) ingatnya itu — 41 AB lacking — 42-42 A berbayar; B dibayar — 43 AB atau sebab — 44-44 AB lacking — 45 CDE lacking — 46 CD ditangguhi; AB diteguhi — 47-47 AB tiadalah — 48 AB add: lagi — 49-49 AB lacking

Fasal 19

1 AB lacking — 2-2 AB bahagian (B. baginya) bersama-sama — 3 CDE add: yang — 4 AB melainkan — 5-5 AB negeri raja-raja — 6-6 AB lacking — 7-7 R addition from — 8 AB add: yang bernama — 9 CD lacking — 10-10 AB lacking — 11 CD lacking — 12 AB akan dia — 13 AB tiada — 14 BE tamannya — 15 AB berbuat — 16 AB gadai — 17-17 AB lacking — 18 CD lacking — 19 AB add: atau durian — 20 AB add: ia — 21-21 AB lacking — 22-22 AB lacking — 23-23 AB sepertiga hukumnya; CD dibahagi — 24-24 E addition from — 25-25 AB lacking — 26-26 AB di negeri itu — 27 ABD berhutang — 28 CD lacking — 29 CD lacking — 30-30 AB lacking — 31 CD add: tiada — 32-32 CD lacking

Fasal 20

1-1 AB lacking — 2-2 AB kebun — 3 AB ada — 4 AB atau ada — 5 CD add: tanaman itu — 6 AB add: tanah — 7-7 AB lacking — 8 AB lacking — 9-9 CD lacking — 10-10 AB lacking — 11 CD add: seperti — 12-12 AB lacking — 13-13 AB itu — 14 AB sesuku (sic) — 15-15 AB lacking — 16-16 ABE lacking

Fasal 21

1-1 AB lacking, *passim* — 2-2 AB itu di tempat — 3 AB mu^{c}tamadnya (sic) — 4-4 AB seharga orang itu — 5 AB lacking — 6 CD lacking — 7-7 CD atau lembu; AB itu disembelihnya, itu juga — 8-8 CD lagi — 9 BCD bendahara — 10 AB lacking — 11-11 AB lacking — 12-12 CDE lacking — 13 A fikir (sic); B pekerjaan — 14-14 AB pada malam atau pada siang harinya — 15 CD add: ada — 16 ABE pada (E. om) siang hari — 17 AB lacking — 18 ABD dibunuhnya — 19 CD add: dengan — 20-20 AB lacking — 21 A lacking; B membunuh — 22-22 AB lacking — 23 CD add: penuh — 24 AB lacking — 25 CD add: orang yang mendapat — 26-26 AB diberinya seemas — 27 AB dengan — 28-28 AB lacking

Fasal 22

1-1 B adapun (A adds: pada) — 2-2 AB huma — 3-3 BE lacking — 4 A semangat — 5 MSS membakar — 6 C dibakar; D terbakar; E membakar — 7-7 AB lacking — 8 AB lacking — 9 AB add: atau golok

Fasal 23

1 AB dua — 2 CD lacking — 3-3 AB lacking — 4 AB antara — 5-5 AB lacking — 6-6 A dia manusia itu; B dia itu manusia — 7 AB add: pun (B. pada) itu hilang juga itu — 8 AB add: hamba — 9-9 ABE lacking — 10 AB add: ia — 11 ABE berapa — 12 AB mengadap kepada —

binasa nikahnya itu, maka tiadalah kena atas laki-laki itu isi kahwinnya itu lagi. (B. om the last three words). Inilah (B. om) nista (A. fitnah) namanya. Demikian lagi (B. demikianlah) tatkala seorang laki-laki baraṣ, maka dikahwini (B. dikahwininya) oleh perempuan itu. Akan ᶜaib laki-laki itu, dengan tiada orang memberi tahu akan ᶜaib laki-laki itu kepada perempuan itu, maka kahwinlah (A. kahwin) ia. Setelah sudah kahwin, pulanglah ke rumahnya perempuan itu, maka tiada ia kabul perempuan itu, maka diberinya (A. diberi) tahu hakim. Itupun terurai juga kahwinnya itu. Demikian lagi (A. demikianlah) hukum pada (judham) (A. hadam, B. khadam) dan ratak dan lemah zakarnya. Maka sekaliannya itu fasakh nikahnya. — 9-9 AB Adapun pada suatu kaul, akan orang yang lemah zakarnya, disuruh berubat kepada tabib yang tahu akan ubatnya itu setahun lamanya. Jikalau tiada sembuh, — 10-10 AB lacking; B akan — 11-11 AB tiada (A. om) fasakh nikahnya mereka itu, karena ia reda akan seseorang (B. seorang) itu (B. itupun) dengan dikahwininya perempuan itu atau laki-laki itu, maka tiadalah (B. tiada) lagi (A. adds: itu jadi khiyar) pada — 12 MSS difasidkan — 13-13 E lacking — 14 AB laki-laki — 15-15 AB itu sekalian (A. sekian) fasah juga ia atas (B. om)

Fasal 28

1 AB tujuh — 2 AB suatu — 3 AB add: itulah talak ba'in namanya — 4 AB lacking — 5 BE lacking — 6 E dikembalikan — 7 AB add: itulah talak rajᶜi namanya — 8 E seorang metalak — 9 E dan jikalau — 10-10 E pulang pula dengan dia, maka hendaklah perempuan itu kahwin dahulu kepada laki-laki yang lain. Telah itu, maka talak ia dengan dia. — 11 AB lacking; E adds: seperti — 12 AB add: merdehika — 13-13 E baharulah dikahwinkan pula kepada — 14 AB add: itulah talak ba'in namanya. Itulah hukumnya; E adds: Jika ada suka sama keduanya, maka boleh diperbuat demikian itu. Dan jika seorang laki-laki berkelahi dengan isterinya dalam daruratnya, maka diadukannya pada hakim, ia hendak bercerai itu, maka niscaya tiada diberi hakim cerai. Tiba-tiba tiada mau perempuan itu berpandangan muka dengan suaminya, maka patut disuruh oleh hakim taruh kepada warithnya sementara menanti dibicarakan oleh hakim. Syahdan bagai suaminya itu berlayar ke negeri lain. Maka ditinggalkan isterinya itu di rumahnya. Maka laki-laki itu hendak bercerai dengan isterinya. Maka dikirimkannya talak ba'in atau talak rajᶜi akan isterinya serta dengan surat kata-kata yang metalak di dalamnya. Maka oleh perempuan itu dibawanya kepada hakim. Maka dilihat hakim adalah nyata kepada talaknya itu, niscaya putuslah bicaranya itu. Jikalau tiada dengan surat dan tiada sah nyatanya, sia-sia jua adanya, tiada diterima oleh segala hakim. — 15-15 AB ia, maka — 16-16 E laki-laki itu ia hendak pulang kembali tetapi hendaklah ia memberi belanja perempuan itu, maka dapat ia pulang kepada isterinya, karena ia sudah memberi ᶜiddahnya seperti ᶜadat. — 17-17 Syahdan bagi laki-laki itu tiada fardu nikah kahwin ia — 18-18 AB lacking — 19 AB wati' itu; E perempuan wathir — 20-20 AB harus (B. adds: dan) perempuan min (A. hadha) al-kitab

itu, demikianlah — 21-21 E lacking — 22 AB lacking — 23-23 AB adapun syarat; E pertama — 24-24 KL. 20 conjectural addition from — 25-25 E lacking — 26-26 KL. 20 conjectural addition from — 27-27 AB inginnya dan — 28-28 AB kedua syarat; E dan kedua; R ketiga harus dengan ada syaratnya — 29-29 E dan — 30-30 AB itu bahwa ada islam akan ᶜabdi (B. adds: ia) — 31 AB add: ia — 32-32 AB seperti syarat — 33 AB adalah — 34 E pada — 35-35 A ada; B dengan — 36 AB lacking — 37 AB perempuan — 38 AB ada — 39-39 BE lacking

Fasal 29

1 AB delapan; C lima — 2-2 AB lacking — 3-3 AB lacking — 4 AB add: dan kapal — 5-5 AB lacking — 6 CD lacking

Fasal 30

1-1 Ḳāla Allāhu taᶜālā, wa aḥalla Allāhu al-baiᶜa wa ḥarrama ar-ribā. Firman Allah taᶜala, bermula, dihalalkan Allah taᶜala berniaga dan diharamkan Allah taᶜala makan riba. — 2-2 AB kedua puluh sembilan; C kedua puluh enam — 3-3 L lacking — 4-4 ABCD lacking — 5-5 L lacking — 6 ABCD lacking — 7-7 L lacking — 8-8 AB lacking — 9-9 AB lacking — 10-10 conjectural addition — 11-11 AB melainkan dengan orang yang berjual itu, mau tetap benda yang dijualnya itu seperti anjing dan babi dan segala yang haram itu haram harganya; CD seperti anjing atau babi dan segala yang haram itu haram harganya. — 12-12 emendation; L bagi — 13-13 ABCD adapun segala yang dikatanya — 14-14 L kenaikan raja — 15 ABCD yang ada seperti itu (CD add: tiada) — 16 ABCD lacking — 17-17 ABCD orang lain yang — 18 CD diri — 19 AB wakil, *passim*; CD berwakil, *passim* — 20-20 ABCD menyuruh (B. menyerahkan) dia (CD. om) berjual — 21 L adds: ia walinya atau — 22-22 L tiga perkara itu — 23-23 ABCD lacking — 24-24 CD kedua perkara yang diperniagakan; AB preceded by dan — 25-25 L lacking — 26-26 AB seperti benda katanya; CD seperti benda yang dikatanya — 27-27 L berjual dan yang membeli — 28 ABCD ditolakkannya (CD add: kepada orang) — 29 AB lacking; L perjanjian — 30 L dibelinya — 31 L dipulangkannya — 32 L lacking — 33 L pesuruh — 34 L adds: berniaga — 35-35 ABCD dan perak — 36 R conjectural addition from — 37 AB lacking — 38-38 AB suatu; CD emas yaᶜni — 39 AB lacking — 40 L adds: sama makanan; ABCD om — 41-41 L Bab berjual — 42-42 L malam berniaga itu — 43 L dengan — 44-44 L masuk — 45 AB lacking — 46 ABCD di dalam — 47-47 L lacking — 47-48 AB ia dikembalikannya (B. kembalikannya); CD harus dikembalikan patutnya

Fasal 31

1-1 L Bermula apabila berjual bumi — 2-2 AB ketiga puluh; C kedua puluh tujuh — 3 L adds: segala — 4 L bumi — 5 AB tanah huma; CD huma atau ladang — 6 L lada — 7-7 ABL lacking — 8 ABCD lacking — 9-9 L akan yang membeli — 10 AB lacking — 11 AB lacking

— 12-12 ABL bumi — 13 CD add: kepada yang membeli — 14-14 AB akan yang membeli itu; CD sekalipun demikian juga — 15-15 AB Apabila mengembalikan benda itu dengan s-a-d-ng-l-nya (B. s-a-d-ng-n-nya) tiada harus dikembalikan. Apabila benda itu segala; CD Apabila mengembalikan benda itu dengan tiada ᶜaibnya tiada harus dikembalikannya. Apabila dikembalikannya benda itu memberi faedah (D. hasiat) segala — 16 L reading of; AB percarinya; CD dipercarinya — 17 CD add: akan pekerjaannya, maka hendak (sic) — 18 CD spelt: m-nya-r-h — 19-19 AB lacking; CD kepada tuannya lama — 20-20 L jika hamba perempuan dia tebus — 21 CD lacking — 22 L lacking — 23-23 AB lacking; CD kepada — 24-24 CD empunya, karena ia tawakkul Allah dan; L lacking — 25-25 L lacking — 26-26 ABL dengan ibunya — 27-27 CD Bermula seperti ada penyakit yang ᶜaib iaitu (D. om); L Bermula bagi yang ghaib — 28-28 C penyakit orang jenis-jenis; L hamba yang pelari — 29 ABCD bermuka(h) — 30 ABCD add: orang — 31 BL lacking — 32-32 AB lacking — 33-33 L lacking — 34-34 CD membeli sesuatu; A: membeli benda suatu — 35-35 L bercela; B tetapi dihargakan — 36-36 ABCD jikalau ada ᶜaibnya (CD. ᶜaibnya) — 37 ABL lacking — 38-38 L lacking — 39-39 ACD yang sedia — 40-40 L lacking — 41 ABCD membeli itu — 42-42 CD lacking — 43-43 AB tampang timah pemulangkan itu syarat; CD perak pemulangkannya. Inilah ᶜadatnya dan syaratnya. — 44 AB add: perjanjian; CD add: pada janjinya. — 45-45 AB maka bersumpah-sumpah (A. sumpah-sumpahan) pada; CD maka b-r-a-w-j-i-n ia ada dengan tiada pada harganya. Itulah ᶜadatnya. — 46-46 CD lacking — 47 AB kerja

Fasal 32

1-1 L Bermula peri — 2-2 AB ketiga puluh esa; C kedua puluh dulapan — 3 L lacking — 4-4 ABCD lacking — 5-5 CD lacking — 6 L ada orang; B seorang — 7-7 L diambil — 8-8 AB diperniagakan; CD ditanyakan — 9 L tinggalnya; CD add: maka — 10 A diharganya; CD dahulu harga kainnya (?); L dua, oleh rakannya — 11 ABCD nyata — 12-12 A harga; B empunya harta; CD yang empunya arta yang — 13-13 AB segala yang fuduli (B. fudul) kelakuan; CD segala yang kelakuannya — 14 AB itu — 15-15 L memerdekakan — 16-16 A berkelakuan; B kelakuan digagahi; CD berkelahi — 17 AB m-ng-a-l-s; CD m-ng-l-s — 18 L preceded by Bab — 19 ABCD saluh; L lacking — 20 L berharta — 21-21 L reading of; AB Bermula sah saluh itu atas perkara itu enam bagi (A. om) suatu seperti hukum emas dan emas; kedua (A. keduanya) seperti yang memberi; ketiga hukum (B. hukumnya) m-ng-a-l-s akan hutang; keempat seperti meminjam, kelima seperti hukum yang upahan; CD Bermula sah saluh itu atas enam (C. lima) bahagi: suatu hukum berniaga emas dan kedua seperti hukum yang memberi dan ketiga hukum m-ng-l-s (D. m-ng-k-s) akan hutang (D. huyang), keempat seperti meminjam, kelima seperti yang upahan — 22 AB minta — 23-23 CD atas tengah dua belas rial empunya rumah itu memberi. Itulah ᶜadatnya. — 24 ABCD lacking — 25 AB meminta — 26 ABCD lacking — 27 ABCD lacking — 28-28 AB lacking; CD akan

— 29-29 CD lacking — 30-30 L pinjam — 31-31 AB lacking — 32-32 L lacking — 33-33 CD menda^{c}i dengan menda^{c}a ^{c}alaihi — 34 BC dipersahkan — 35 CD lacking — 36 MS spelt: i-j-z-h — 37 AB tiada — 38 AD diperusahkan; BC dipersahkan — 39-39 AB lacking — 40 AB add: ia — 41 AB dikedayai (?) — 42 CD lacking — 43 CD i-j-z-h — 44-44 L lacking — 45 C disaluhkan; D disalahkan — 46 ABCD seratus dinar (AB. om) — 47 AB lebih — 48 ABCD berpatutan — 49 AB dan; CD lacking — 50-50 L emas itu daripada — 51 AB berteguh — 52-52 AB lacking; CD dan sah yang mengaku — 53-53 AB ya^{c}ni laku (B. lagi) kelakuan (B. adds: ini); CD berlaku kelakuannya — 54-54 AB lacking — 55-55 A berhutang; B mengaku dan yang beri berhutang; L mengaku dan — 56-56 AB ya^{c}ni hutang (B. utang); L adds: dinar — 57 L diberinya — 58-58 AB yang; CD itu dan yang mengaku itu tiada — 59 AB atau; CD atau daripada — 60-60 AB lacking — 61 ABCD lacking — 62-62 ABD tukas (?); C tunai — 63 ABCD lacking — 64-64 ABCD itu — 65 ABCD nyata — 66 CD lacking; L tubat — 67-67 AB dengan tentu yang diakuinya itu; CD yang tiada tentu yang diakui atau yang mengakuinya itu — 68 ABCD lacking — 69-69 ABCD lacking — 70 CD lacking — 71 CD add: seperti — 72 L lacking — 73 CD lacking — 74-74 AB bunga (A. om) bahwa yang dipinjam akan (A. dipeminjamkan) itu segala benda yang (B. om) dipinjam (B. pinjam) itu tiada (B. om) mengembalikan benda itu pada yang meminjam; CD atau yang dipinjamkan itu segala benda yang dipinjam itu tiada dikembalikan (D. yang mengembalikan) benda itu pada yang dipinjam (D. meminjam) itu — 75-75 AB segala benda yang dipinjam itu; CD menyilih benda yang dipinjam — 76-76 ABCD lacking — 77 L adds: dengan — 78-78 ABCD lacking — 79-79 AB Bermula yang dipinjam, jikalau diberinya semuanya benda, menyilih yang dipinjam itu jikalau tiada dengan taḳṣīrnya; C maulah diberinya semuanya benda itu, tetapi hendaklah dengan periksanya oleh hakim; D Benda yang dipinjam itu, jika diberinya semuanya benda itu, menyilih yang dipinjam itu. Jika diberinya semuanya benda itu menyilih yang dipinjam (dittography), jika tiada dengan taḳṣīrnya, hendaklah dengan periksanya — 80 AB g-n-d-a-r-n; CD k-a-n-d-a-r-a-n — 81-81 AB ia menyilih; CD sudahlah, karena dalam kerjanya yang menyuruh itu

Fasal 33

1-1 L Bermula bagi memberi utang — 2-2 AB ketiga (A. tiga) puluh dua; CD dua puluh sembilan — 3 CD lacking — 4 AB add: ia — 5 CD add: atau d-k-ng-n (dagangan?) sekalipun — 6-6 CD akan tuan hamba, ruginya pun kepada tuan hamba, maka datang suatu kecelaan seperti menyilihlah orang itu kepada yang empunya emas. Bermula jika kata yang empunya emas itu, "bagi dua laba kita, atau bagi tiga laba kita", jika datang sesuatu peri (E. adds: hal daripada rugi atau barang sebagainya melainkan) sebagi kepada yang empunya emas dan sebagi pada yang mengambil, akan yang berbagi (E. harta itu dan jikalau perjanjian bagi) tiga, itupun demikian juga kiasnya, tetapi kecelaan itu atas empat anasir itu pada tiap-tiap pelayarannya (E. maka dihukum dengan

demikian itu). Pertama air, kedua angin, ketiga api, keempat musuh, karena itulah yang sampai kepada yang empunya emas itu. — 6-7 A terkena akan; B terkenakan — 8 AB add: dia — 9 AB lacking — 10-10 L Tiada harus ditentukan d-r-s-n dan tiada menyilih yang berniaga itu, jika binasa — 11 B adds: dia — 12-12 AB dijanjikan akan yang membawa itu di benua lain atau lebih membayar; CD membayar itu di benua ini ataulah lebih atau kurang janji membayar dia. — 13-13 ABCD jikalau (CD. jika) mengambil emas itu (CD. om) — 14-14 ABCD lacking — 15-15 L lacking

Fasal 34

1-1 CD Fasal yang ketiga puluh empat (C. om) pada menyatakan peri amanat orang yang hendak mati; L Bermula — 2 AB tiga — 3 AB menaruh; CD ia bertaruhkan; L adds: berjanji — 4-4 ABL lacking — 5-5 CD serta diturutnya seperti amanat itu, maka terpeliharalah akan seperti amanat itu. Jika tiada demikian itu — 6 ABCD jadi — 7 CD add: pada tempat memeliharakan artanya (transposition?) — 8 AB add: memegang dan — 9 L lacking — 10 B lacking; L itu — 11 CD add: ia — 12-12 L lacking — 13-13 CD diamanatkannya — 14-14 AB kepada wakilnya kadi; CD jika tiada yang diamanatkannya itu, maka diwakilkannya (D. dijulikannya (sic)) kepada kadi — 15-15 CD add: lepaslah ia daripada tanggungannya; L jika kepada amir raja diberikannya — 16-16 AB amanat; L amanat orang atau — 17-17 AB pergi; L hendak — 18-18 L munkir, syaksi tiada antara itu — 19 ABCD lacking — 20-20 ABL lacking — 21 L diikatnya — 22 ABCD dikembalikan — 23-23 AB lacking; CD arta — 24-24 L lacking — 25 CD lacking — 26-26 CD hamba kembalikan kepada encik; L ku kembalikan pada si — 27 ABCD katanya (CD. add: maka) — 28-28 CD itu; L lacking — 29-29 AB maka disilihnya oleh empunya amanat itu; CD bersumpah yang memegang wakil (C. om) serta dengan saksinya, hilang arta itu. Barangsiapa yang memegang barang (D. orang), tatkala ia mengembalikan kepada warithnya, hendaklah surat serta saksinya. Demikianlah hukum kias segala yang tersebut itu.

Fasal 35

1-1 L Bermula — 2 AB empat; C satu — 3 CDL lacking — 4 CD kedua pada hak manusia — 5-5 AB kedua; L pada — 6 L yang pada — 7 ABCD lacking — 8-8 AB daripada ikrar — 9-9 D itupun tiada dikabulkan — 10 L lacking — 11-11 AB lacking — 12-12 ABCD suatu belum baligh daripada kanak-kanak (A. kanak); kedua (B. kepada) orang yang gila, ketiga ikrar yang digagahi — 13-13 AB lacking — 14-14 ABCD lacking — 15 ABL lacking — 16 AC dinyatakan; B lacking — 17-17 AB Bermula hukum (B. om) ikrar sehat dan sakit (B. adds: adanya); CD Bermula hukum (D. om) ikrar sehat ia daripada sakitnya.

Fasal 36

1-1 L Bermula — 2 AB lima; C dua — 3 L lacking — 4-4 AB hukum-

nya; L lacking — 5 CD add: kepada hukum Allah — 6-6 AB sembahyang; CD yang — 7 A akan; B lacking — 8 L lacking — 9-9 AB lacking — 10 L adds: seperti menyuruh taubat — 11 ABCD banyak (sic) — 12 CD add: dengan demikian itu, harus ia — 13-13 AB dan; CD kepada hukum Allah; L adds: dan hartanya — 14 AB add: samanya — 15-15 ABL lacking

Fasal 37

1-1 L Bermula peri menyatakan — 2 AB enam; C tiga — 3-3 ABL lacking — 4 CD preceded by: pada menyatakan — 5 ABCD lacking — 6 CD add: atas — 7-7 L dan berbudi dan merdeka dan ᶜadil dan lima perkara ini bahwa hendak menjauhi — 8 L adds: jangan berbuat — 9 CD lacking — 10-10 CD penggusar; L murka gusar — 11 AB add: serta — 12 L seperti — 13 CD add: maka pilihlah di dalam antara itu — 14 AB add: ia itu — 15 AB lacking; CD terpakai — 16-16 A empat; L lacking — 17-17 CD lacking — 18-18 A minum tuak; CD orang peminum tuak dan arak — 19 CD pencuri — 20 CD penyamun; L menyabung — 21 ACD lacking — 22 L lacking — 23-23 A had jamuka (sic); B had muka; L had bermaka (= bermuka) — 24 AB daripada — 25-25 ABCD mereka itu — 26 ABCD lacking, *passim* — 27 A a-u-h-i-t (= auṣiya) — 28 L adds: melainkan — 29-29 L pada dengan seorang — 30 AB pun sudahlah — 31 AB lacking — 32-32 A seorang melainkan laki-laki; CD seseorang; L dengan dua perempuan — 33 A sebanyak-banyak; B sebaik-baik; L sebanyaknya — 34 A berpulang; CD p-l-ng-n — 35 A berjual dan syahbandar; B berjual; CD berjual dan sendiri; L bercela dan sandar dan — 36-36 A lacking; BCD sah; L pada saluh — 37-37 L lacking — 38 A m-m-ny-n-k-n; B m-m-t-i-k-n (= mematikan?) — 39-39 L laki-laki — 40 CD lacking — 41 L adds: atau seorang — 42 AB lacking; CD add: perempuan — 43 CD lacking — 44 L lacking — 45 AB s-h-f; CD thabit; L m-n-i-b — 46 L ᶜayat; ABCD lacking — 47 CDL lacking — 48 ABCD add: mengetahui

Fasal 38

1-1 L Bermula peri menuntut daripada kata nabi pada orang menuntut — 2-2 AB tujuh peri; C empat peri — 3 AB lacking — 4-4 AB daripada rasulu'llah — 5 AB add: sabda rasulu'llah, ṣallā 'llāhu ᶜalaihi wa sallam. dan — 6-6 AB mendapat tiada berkhabar kepada kadi, tiada ada pada; CD mendapat tiada berajar (= beracara?) kepada kadi tiada daripada — 7 ABCD bagai — 8 CD lacking — 9 ABCD lacking — 10-10 L Dan jika — 11 CD permata dan barang jenis permata; L manikam — 12 CD permata — 13 ABCD dikabulkan — 14-14 L lagi — 15 CD dikatanya; L dikatakannya — 16-16 ABCD diperoleh (sic) — 17 CDL tuntutnya — 18 AB suruh — 19 L adds: jikalau tiada syaksinya — 20 BCD dikatanya — 21-21 CD hendaklah bersumpah, tiada diberi oleh hakim bersumpah bagi orang — 22 AB dituntuti — 23 CD tahilang — 24 CD add: bersumpah — 25-25 AB jikalau orang yang dituntut itu tiada mau beradu akan sumpah, itu, pada yang menuntut itu bersum-

dimaki itu, maka dihukumkan oleh orang yang memaki demikian juga dan jikalau hamba orang yang memaki samanya; L jika ia bermaki itu — 12-12 B akan dia; CD kali; L palu — 13-13 L bermaki hamba orang — 14 CD add: maka dengan salahnya, maka dijadikan (= dihadkan) oleh hakim — 15 CD dipermaki; L bermaki; 16 L hendak — 17-17 CD add: demikianlah hukumnya; L lacking

Fasal 42

1-1 L Bermula peri — 2-2 AB keempat puluh dua; C ketiga puluh dualapan — 3 AB add: had — 4 AB lacking — 5-5 CD tuak dan arak, *passim* — 6-6 ABCD lacking — 7 ABL lacking — 8 A memabuk; CD mabuk; L masuk (sic) — 9-9 AB jikalau ᶜabdi empat puluh palunya; L hadnya empat puluh dipalu — 10 ABL merdehika — 11-11 AB juga palunya; L adapun jikalau ᶜabdi — 12 AB dan ᶜabdi itu; CD adapun jikalau ᶜabdi — 13 L adds: dengan — 14 A lacking; BCD atau — 15 L lacking — 16-16 AB tiada dihadkan cium (B. mencium); C jika tiada dengan saksi dicium — 17-17 L lacking

Fasal 43

1-1 AB Bermula peri; C Fasal yang ketiga puluh sembilan — 2 AB hamba orang — 3 AB add: adapun jikalau ada ᶜadat hamba orang itu sediakala ia pergi mengambil upahan juga kerjanya, maka diupah oleh seorang (B. seorang-orang) akan dia — 4-4 AB jikalau — 5 CD lacking — 6-6 AB orang (B. om) hamba orang — 7-7 AB diganti hamba (A adds: yang dipinjam itu) — 8-8 CD lacking — (43.2 is lacking in B) — 9-9 CD lacking — 10 L adds: yaᶜni firman Allah taᶜala, berbuat baktilah kamu akan Allah dan rasul Allah dan yang memberi amar akan kamu yaᶜni segala raja-raja. — 11-11 AL lacking — 12-12 A lacking; EL disuruh kau belai — 13-13 AB wa kulluhum rasul ᶜan raᶜyat — 14 CD su'ila — 15 L reading of; ACD gilakan (sic) — 16 A lacking; CD add: lagi — 17 A disuruh; CD add: ada — 18 AB orang yang bekerja — 19 CD add: jika — 20 CD spelt a-n-f-a-k — 21-21 ABCD Adapun yang mithal (A. bernyala) itu upama bumi seperti hadith — 22-22 CD upama tanah, tuhan (sic) itu upama bumi — 23-23 A jikalau bumi itu; CD jika tiada suatu (D. sesuatu) pun tiada; L jika bumi tiada suatu pun — 24-24 A raᶜyat t-h-t sultan z-a-r-t-d; CD raᶜyat itu sultan; L ar-raᶜiyat jun t-t-kh-r-a-j-t — 25 CD add: tentara — 26 ACD lacking — 27 CD akarnya itu — 28-28 AL lacking — 29-29 A diringankan Allah subhanahu wa taᶜala atas kamu — 30 AB Fasal yang keempat puluh dua pada menyatakan hukum — 31 CD lacking — 32 CD lacking — 33-33 AB atau kambing, hendaklah dikandangkan (A. kandangkan) kerbau (A. adds: lembu kambing itu). Jikalau ia lepas pada malam — 34-34 AB diganti seperti mana ᶜadat harga yang benar itu juga — 35-35 AB lembu dan (A. om) kambing — 36-36 AB siang — 37 B preceded by: Fasal yang keempat puluh tiga pada menyatakan hukum benda orang — 38 A seorang; B seorang-orang — 39 A disukakannya (sic); CD saksinya — 40-40 CD yang tinggal bekerja itu,

salah — 41-41 CD jika (a)da saksinya yang — 42-42 CD gandanya — 43-43 AB dapat — 44-44 AB lacking — 45 AB lacking — 46 AB lacking — 47 CD nikah — 48 CD habis — 49-49 CD jikalau — 50 AB lacking — 51-51 CD terbunuh yang dirampas — 52 CD karena — 53-53 C lacking; D ber-c-d-c-k; AB dan beracak-acak (?); L bercucuk tali — 54 AB lacking; CD add: itulah — 55-55 AB yang; CD add: tiada — 56 AB add: permainan itu — 57 CD lacking — 58 AB Adapun — 59 CD lacking — 60 AB hingga — 61 A lacking; B dapat — 62 AB lacking — 63 AB berpiutang itu — 64 AB lacking — 65 A ditangkap; B ditunggunya — 66-66 CD ia mengaku anak isterinya, itupun ada saksinya — 67 AB lacking

Fasal 44

1-1 E reading of; AB itulah (B. om) banyaknya. Fasal ini (A. om) Undang-undang Negeri pada menyatakan hukum; CD banyaknya. Fasal Undang-undang Negeri pada menyatakan — 2 CD lacking — 3-3 E emendation based on; AB dengan; CD lacking — 4-4 AB utangnya kepada anak isterinya — 5 CD lacking — 6 CD lacking — 7-7 AB ia, karena iaitu merdehika hilang emasnya itu — 8-8 AB melainkan digantinya (B. diganti) — 9-9 CD jika dinikah — 10-10 CD setengah — 11 AB itu, maka — 12 ACD ditebusi — 13-13 CD lacking — 14-14 AB ke benua lain itu — 15-15 AB Bermula segala orang yang lari (B. adds: ke benua) lain seperti orang lari ke benua ini. Demikianlah dianugrahakan (A. dinegerikan (sic)) orang yang dapat itu — 16 AB pada — 17 AB add: dan kepada — 18 AB lacking; D dan — 19-19 AB bumi thamsilnya; C yaum al-masyik (for mithak?) — 20-20 AB mati-mati — (*Fasal* 44.4 lacking in B) — 21-21 A tegur jalan (for salah?); L tegur salahnya — 22-22 A adapun; E yang — 23-23 A khalīfah Allāh Malikul wa Sultān wa ḳāḍī ᶜalā 'l-bar biᶜadlihi wa iḥsānihi — 24 CD khalifah; EL kh-l-d — 25-25 A lacking — 26 A hamba Allah — 27 CD ia pada — 28 A kepada — 29 D khalifah — 30 AL Bermula (A. om.) hamba pun melakukan hukum Allah taᶜala (L. om.), hendakkan kebajikan kepada (L. om.) segala raᶜyat itu (L. om.) — 31 CD Bermula — 32-32 A melebihinya dan berbuat sekehendaknya — 33 L dosanya. — (44.5 This passage is lacking in B except the last sentence (Adapun kita) mana rumah tangganya masuk bendahari) — 34-34 A lacking — 35 CD spelt h-u-p-nya — 36 A sebagai itu; CD s-k-t (= sekat?) — 37-37 A itu — 38 A adds: melainkan — 39 A dan adapun kita — 40 DL lacking — 41-41 AB lacking — 42 L kali — 43-43 AB jikalau; CD dan — 44 A ia m-ng-l-i-s; B ada m-ng-a-l-i-s — 45 ACD jabatan — 46-46 A pendapatnya barang patut; B pendapatnya — 47 AB adds: barang — 48 CD sepaha — 49-49 AB maka dimakinya merdehika itu — 50 AB kabir (?) — 51-51 AB Bermula; CD adapun — 52 CD lacking — 53 AB lacking — 54 CD punya emas — 55 AB lacking — 56 A adds: sudah — (44.8 This passage is lacking in B) — 57-57 A hanyalah ini — 58 A segala kami — 59-59 CD kepadanya — 60 AC kami — 61 ACD add: ḳāla Allāhu taᶜālā: Aṭīᶜū Allāha wa aṭīᶜū 'r-rasūla wa ūli 'l-amri minkum. Bermula pada segala (A. sekalian) menteri dan (A. hulubalang) sida-sida dan

(A. om.) bala tentara sekalian, hendaklah diturutnya seperti firman Allah taᶜala dan (A. om.) sabda nabi kita (A. rasul Allah) dan berbuat (CD. beridah) amr bi'l-maᶜrūf wa nahy ᶜani'l-munkar itu (A. om.) dilakukannya. Inilah pekerjaan raja-raja itu (A. adds: dan segala orang yang memegang pekerjaan raja-raja), hendaklah dari (A. daripada) pagi-pagi hari, kamu sekalian duduk dibalai masing-masing kepada jabatannya (A. ke jabatan), karena segala hamba Allah itu banyak (A. baik) diserahkannya kepada raja-raja disuruh (A. disuruhnya) ge(m)balai (CD. gilai). Jika (A. jikalau) dapat, hendaklah segala (A. sekali) yang kamu ge(m)balai (CD. gilakan) itu selesaikan (CD. disaksikan) pekerjaannya daripada barang sesuatu hal ihwalnya (CD. suatu halnya) di dalam dunia supaya kita (A. om.) ringan di dalam akhirat (dittography, abbreviation of the first part of 44.2). — 62-62 AB wa ṣallā 'llāhu ᶜalaihi khairi khalḳihi Sayyidinā Muḥammad wa ᶜalā ālihi wa saḥbihi ajmaᶜīn bi raḥmatika yā arḥam ar-raḥīmīn. Tammat al-kitab Undang-undang Negeri. Wa 'llahu aᶜlam bi'ṣ-ṣawab; D Tammat Undang-undang Negeri kepada dua puluh tiga hari bulan Rajab hari Arbaᶜa waktu jam pukul sepuluh. Al-tarikh sanat 1231, tahun H. Tamma — 63-63 B lacking — 64-64 A itu, Hang Sidi — 65 A Muhammad — 66 CD add: perang — 67 AB biduan — 68 AL tengah — 69-69 A lacking — 70 CD lacking — 71 AB add: menyatakan hukum dan — 72 A l-n-t-t-nya — 73-73 AB pemakan dua puluh rial; L memakan tengah dua ratus timah — 74 AB add: lima — 75 A lacking; B se- — 76-76 AB dua puluh lima — 77-77 B lacking — 78 A l-t-t-m-nya — 79 CD lacking — 80 B adds: adanya; CD adat; R Undang-undang Johor tammat; L Demikianlah titah Duli Yang Dipertuan memeliharakan ᶜadat hukum perintah segala raja-raja di dalam negeri Johor pada zaman maulana Paduka Seri Sultan Mahmud Syah Al-Ghazi, raja itu di dalam negeri Johor mendirikan hukumnya itu pada selamanya itu, kepada sanat 1203, pada bulan Rajab. Bahwa . . . — (Fasal 44.11 This passage is lacking in B and L) — 81 CD preceded by: ada; A adds: kertas — 82-82 CD kepada suatu negeri daripada segala talu' dan rantau dan anak sungai sekalian — 83-83 AB melainkan durhaka — 84-84 CD itu — 85 AB Muhammad — 86 CD add: yang kerajaan — 87 CD tiada boleh — 88-88 CD ikrarlah — 89-89 A bilangan — 90-90 A sakar sakainya (suku sakat?) — 91-91 CD spelt: kebaᶜian (= kebaktian?); AB kita — 92-92 CD ikrarlah — 93 A lacking — 94-94 CD lacking